

2005 LEGISLATIVE SESSION END OF SESSION REPORT

This report was compiled by the staff of the Florida House of Representatives upon completion of the 2005 Legislative Session. This information is intended to provide Florida legislators and their constituents with a summary of the bills that passed “both” legislative chambers. This document is not an in-depth description of the bills noted.

For your convenience, an “Index of Passed Legislation” is included in the back of this report. The index is presented in bill number order. This index also serves as a “Cross Reference Index,” which identifies bills passed as components of other bills. As you review this index it will become evident that a House bill number may be listed under a Senate bill number or vice versa, indicating that each bill contains all or a portion of another bill.

The complete text of the bills included in this report and a section-by-section analysis of each bill can be found by accessing the following website:

House Bills: www.myfloridahouse.gov

The website includes both the current (or latest) version of a bill or analysis and all earlier versions.

- **The version of a bill that passed both chambers and is presented to the Governor is referred to as “Enrolled.”**
- **This is the version of the bill that has, or will, become law unless vetoed.**
- **Earlier versions of the bill do not reflect the exact language as passed by both chambers.**

It should be noted that at the time of publication of this report, May 13, 2005, some acts have not been presented to the Governor and the time allotted for the Governor to approve or veto an act has not expired. Therefore, some acts identified as “passed” by both chambers may not have become law. To verify the status of acts passed by the Legislature, visit the Legislature’s website or call the Division of Legislative Information at 1-800-342-1827.

HOUSE OF REPRESENTATIVES

Commerce Council

Representative Frank Farkas, Chair
Representative Dick Kravitz, Vice Chair

2005 SUMMARY OF PASSED LEGISLATION



Business Regulation Committee

Representative Frank Attkisson, Chair
Representative Kenneth Allan "Ken" Gottlieb, Vice Chair

Economic Development, Trade & Banking Committee

Representative Gus Michael Bilirakis, Chair
Representative Nancy C. Detert, Vice Chair

Insurance Committee

Representative Dennis A. Ross, Chair
Representative David Rivera, Vice Chair

Utilities & Telecommunications Committee

Representative Kenneth W. "Ken" Littlefield, Chair
Representative Bob "Coach" Henriquez, Vice Chair

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Business Regulation Committee

HB 181 – Pari-mutuel Permitholders

By Cretul

Tied Bills: None

Iden./Sim Bills: SB 342

Committee(s) of Reference: Business Regulation; Finance & Tax; Commerce Council

Licensed pari-mutuel permitholders are authorized to conduct intertrack wagering under specified conditions. The term “intertrack wagering” (ITW) means wagering on events broadcast between pari-mutuel facilities located within the state, including the rebroadcast of a simulcast signal. Current law requires a jai alai permitholder to operate a “full schedule” of live jai alai performances in order to participate in intertrack wagering.

For purposes of conducting intertrack wagering, this bill reduces the number of required live performances that constitute a full schedule of performances from 100 to 40 if two criteria are met: 1) the jai alai permitholder must have conducted at least 100 performances per year for at least 10 years after December 31, 1992; and 2) total handle [wagers] on live jai alai games must have been less than \$4 million per fiscal year for at least two consecutive years after June 30, 1992. Currently two jai alai facilities, Florida Jai Alai in Seminole County and Ft. Pierce Jai Alai in St. Lucie County, will qualify for the reduction in required performances specified in this legislation.

For purposes of conducting intertrack wagering, the bill increases the number of required live performances that constitute a full schedule of live performances for a jai alai permitholder that conducts slot machine gaming by requiring that the permitholder must have conducted at least 150 performances in the previous.

The bill requires approval of other permitholders in proximity of a quarterhorse permitholder before the quarterhorse permitholder could substitute thoroughbred races or take intertrack wagering signals.

The bill also permits the transfer of cardroom licenses. No referendum election is required for transfer if the permitholder relocates its permit within the same county as its existing pari-mutuel facility.

The bill includes a hold-harmless provision for state revenues that requires jai alai permitholders taking advantage of the reduction in live performances to pay the same amount of tax as they paid during the last year in which they conducted at least 100 live performances. Therefore, the bill is not expected to have a fiscal impact on state revenue collections.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

HB 205 – Contraband and Counterfeit Cigarettes

By Altman and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 816; CS/SB 1310**Committee(s) of Reference: Business Regulation; Finance & Tax; Commerce Council**

By some accounts, trafficking in counterfeit and contraband cigarettes is of growing concern to cigarette manufacturers and to state and federal regulatory agencies. A 2003 Government Accounting report indicated that illegal cigarettes were the number one seized product in the United States in 2002 with theft, hijackings and counterfeiting of cigarettes and tax stamps on the rise. Other statistics point to the internet as one of the sales outlets of choice for counterfeit and stolen cigarettes.

This legislation implements a structured three-tiered system for cigarette distribution: manufacturer or importer to wholesale dealer to retail dealer. The legislation adds manufacturers and importers to the list of entities that must have permits in order to operate in the state, implements additional reporting requirements, and implements significantly increased penalties for violations of the cigarette statutes. This structured distribution system, with its accompanying reporting requirements and penalty provisions is intended to assist the Division of Alcoholic Beverages and Tobacco and Department of Business and Professional Regulation, in tracking the movement of cigarettes in the state, ensuring that applicable taxes are collected, and preventing the sale of or trafficking in counterfeit or contraband products.

The bill is expected to have a positive but indeterminate fiscal impact on state revenue collections.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HB 213 – Construction Professionals**By Evers and others****Tied Bills: None****Iden./Sim Bills: SB 792; includes part of HB 699 and SB 1608****Committee(s) of Reference: Business Regulation; Growth Management; State Administration Appropriations; Commerce Council**

The bill expands the scope of work for Class A and B air conditioning and heating contractors so they will be able to disconnect and reconnect propane and natural gas lines when installing replacements of air conditioning and heating systems in buildings. For mechanical contractors, the bill expands the scope of work to allow them to install LP (liquid propane) gas lines within buildings, in addition to the natural gas lines that they already can install under existing law. The bill also expands the scope of work for plumbers to include LP gas line installations. Currently, plumbers can install natural gas lines.

The bill creates a licensure exemption under s. 489.103, F.S., relating to construction contracting, to clarify that an individual who is licensed or permitted under ch. 633, F.S., by the State Fire Marshal's office to allow the individual to install a pre-engineered fire suppression system, does not also have to be licensed as a contractor under ch. 489, F.S., by the Department of Business and Professional Regulation.

The bill authorizes the Board of Architecture and Interior Design and the Board of Landscape Architecture to adopt rules to allow respective practitioners to electronically

sign and seal plans and documents. The changes track current authorization language for engineers, surveyors, and mappers.

The bill is not anticipated to have a fiscal impact on state or local governments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 315 – Relating to Building Assessment and Remediation

By Allen and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1830; includes part of HB 117 and SB 590

Committee(s) of Reference: Business Regulation; Civil Justice; State

Administration Appropriations; Commerce Council

Currently, home inspectors are not regulated. The Department of Business and Professional Regulation (DBPR) estimates there are approximately 3,000 home inspection entities currently operating. The bill defines “home inspection” to mean a limited visual examination of one or more of the readily accessible installed systems and components of a home for the purposes of providing a written professional opinion of the condition of the home.

The bill states that “a person shall not work as a home inspector unless” that person has successfully completed a course of study....in home inspections which is not less than 60 hours....The course of study must include subjects relating to: structure, electrical system, roof covering, plumbing system, interior components, exterior components, site conditions that affect the structure, and heating, ventilation, and cooling systems. The bill also requires eight hours of continuing education annually relating to home inspections.

The bill requires written disclosures to be provided to customers prior to contracting for or commencing a home inspection. The statements must identify that: the home inspector meets the education and examination requirements of the bill; the home inspector maintains the commercial general liability insurance policy required by the bill; the scope or parameters of the home inspection; and identify the approximate number of home inspections the home inspector has performed for a fee or the number of years of experience as a home inspector.

The bill requires a home inspector to maintain a commercial general liability insurance policy in an amount of not less than \$300,000. The bill specifies numerous exemptions from the requirements being imposed. The bill contains a grandfather provision for persons currently conducting home inspections. A violation constitutes a deceptive and unfair trade practice under part II of chapter 501, F.S.

Regarding the portions of the bill that relate to mold activities, there are currently no state guidelines or educational requirements to be a mold assessor or remediator. However, certain mold-related activities are regulated when those activities require that person to act in the capacity of a licensed contractor. In Florida, said contractors are licensed by the Construction Industry Licensing Board (CILB) of the DBPR under chapter 489.

This bill creates s. 489.1134, F.S., to be entitled “Mold remediation certification,” and provides certification guidelines for those who engage in business as a contractor with a

focus on mold or mold remediation that is not incidental to the scope of his or her license. In other words, if mold remediation is not the main business of that contractor, they are not subject to the requirements of this subsection. Accordingly, contractors are not permitted to hold themselves out as specializing in mold or mold remediation unless they meet these educational requirements, and a contractor who is in violation of the provisions of this bill are subject to discipline under s. 489.129, F.S.

This bill also creates ss. 501.933 and 501.934, F.S. Depending upon the field in which a person or business wishes to engage in mold activities, the bill requires a certification in mold assessment or mold remediation. The certification may be obtained from a non-profit organization that focuses upon indoor air quality or industrial hygiene or from a community college or university that provides such training or education in mold assessment or mold remediation.

Further, this bill provides exemptions to certain groups from the requirements, but all others must be properly certified and maintain at least \$1,000,000 in liability insurance. Civil and criminal penalties are available for violations of the provisions relating to mold assessment and mold remediation.

Regarding mold, this bill will fiscally impact contractors whose work is primarily mold remediation due to the mold education requirements. Specifically, it will fiscally impact mold assessors and remediators because it requires mold certification and liability insurance. The cost for education, certification, and insurance is unknown at this time.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2006 for the provisions relating to home inspection and October 1, 2005 for the provisions relating to mold remediation.

CS/CS/SB 434 – Individuals with Disabilities

By Commerce and Consumer Services; Governmental Oversight and Productivity; Wise and others

Tied Bills: None

Iden./Sim Bills: HB 153 CS

Committee(s) of Reference: Community Affairs; Governmental Oversight and Productivity; Commerce and Consumer Services

This bill significantly amends ss. 413.08 and 413.081, F.S., by updating the language so that it coincides with federal language in the Americans with Disabilities Act of 1990, which preempts state and local law and regulations in this area when the federal law affords greater protection to the individual with a disability. This is accomplished by including the following definitions in statute using language that is similar to the federal statutes: housing accommodation, individual with a disability, hard of hearing, physically disabled, public accommodation, and service animal.

The bill also changes and expands the way in which public accommodation facilities must provide access to service animals that accompany individuals with disabilities. A service animal is allowed in "all areas of a public accommodation that the public or customers are normally permitted to occupy." Documentation that a service animal is trained is not a precondition to service, but a public accommodation may ask what tasks the animal performs in order to distinguish between a service animal and a pet. Further, a public accommodation may not impose a fee for bringing a service animal into a public

accommodation, but an individual with a disability is liable for damage caused by and care/supervision of the service animal, and a public accommodation can exclude or remove any animal from the premises if the animal's behavior poses a direct threat to the health and safety of others.

Finally, the bill provides that The Florida Americans with Disabilities Act Working Group and the Commission on Human Relations jointly provide the Executive Office of the Governor with information on how the state can better accommodate individuals with disabilities who are accompanied by service animals.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 565 – Mobile Homes

By Farkas and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1124

Committee(s) of Reference: Business Regulation; Civil Justice; Commerce Council

Chapter 723, F.S., addresses various aspects of the relationship between a mobile home owner and a mobile home park owner. A mobile home park owner is required to comply with various statutory disclosure requirements when certain changes in operations of the park are proposed. The information is provided to a committee composed of tenants from the mobile home park.

The bill creates a statutory statement that the requirement for rental information is to encourage a dialogue concerning the reasons for a rent increase and to encourage the home owners to evaluate and discuss the reasons with the park owner. The bill states that the current provisions are not intended to be enforced by civil or administrative action and that the meetings are intended to be conducted as settlement discussions prior to mediation or litigation. The bill specifically allows the park owner and the home owners to exchange new or additional information during the discussion process or to change positions relating to the rent increase. However, it prohibits the park owner and home owners from changing any information that was initially provided at the meetings.

The bill prohibits compensation to be paid out of the Mobile Home Relocation Trust Fund to a home owner who is under an eviction action for nonpayment of rent. The bill allows for the payment of reasonable attorney's fees and costs to the prevailing party in an action to enforce payment from the Mobile Home Relocation Trust Fund.

The bill designates the Florida Mobile Home Relocation Corporation as an agency of the state and employees and directors as officers, employees, or agents of the state for purposes of the application of sovereign immunity provisions.

The bill is not anticipated to have a significant fiscal impact on state or local government.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 567 – Alternative Plan Review & Inspection**By Galvano and others****Tied Bills: None****Iden./Sim Bills: CS/SB 1470; includes part of HB 621 and CS/CS/CS/CS/SB 442****Committee(s) of Reference: Business Regulation; Local Government Council; Commerce Council**

Current law provides for a local program for the overview of construction projects and compliance with building code standards. The program establishes a procedure by which the owner (fee owner) of a building may use and pay a private provider (architect or engineer) to perform plans review and building code inspection services or to use the local enforcement agency for one or both of these purposes.

The bill provides that a construction contractor, in addition to the owner of the property and upon written authorization from the owner, may choose a private provider to provide building plans review and inspection services. The bill also provides additional conditions and notification requirements governing the use of private providers.

The bill eliminates the requirement that the private provider maintain comprehensive general liability insurance. It continues to require private providers to maintain professional liability insurance, ties coverage limits to the value of the buildings the provider is working on, and conforms claims-made coverage requirements to insurance currently available in the marketplace.

The bill authorizes local governments, at their option, to establish a registration system to ensure private providers comply with the licensure and insurance requirements.

The bill specifies that work on a building may proceed after the inspection and approval by a private provider if the provider has given appropriate notice of the inspection. It further specifies that subsequent to inspection and approval, the completion of work may not be held up or delayed due to the failure to complete an inspection audit by a local building code enforcement official.

The bill is not anticipated to have a significant fiscal impact on state or local government.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HB 699 – Architecture, Landscape Architecture, and Interior Design**By Altman and others****Tied Bills: None****Iden./Sim Bills: CS/SB 1608; includes part of HB 213 CS and SB 792****Committee(s) of Reference: Business Regulation; Commerce Council**

Architects and interior designers are regulated by the Board of Architecture and Interior Design under the Department of Business and Professional Regulation (DBPR). Landscape architects are regulated by the Board of Landscape Architecture under the DBPR. The regulatory scheme for the three groups is similar. Practitioners must meet licensure requirements in order to legally practice their profession.

The bill expands the authority to practice architecture or interior design by licensees through a corporation or partnership to include limited liability companies. The bill corrects cross-references to include limited liability companies throughout this part.

The bill requires the **qualifier** of a corporation, partnership, or limited liability company to assure responsible supervising control of projects by specifying that

“Any registered architect or interior designer who **qualifies** the corporation, limited liability company, or partnership as provided in subsection (7) shall be responsible for ensuring responsible supervising control of projects of the entity...”

The bill authorizes the Board of Architecture and Interior Design and the Board of Landscape Architecture to adopt rules to allow respective practitioners to electronically sign and seal plans and documents. The changes track current authorization language for engineers, surveyors, and mappers.

The bill authorizes the Board of Architecture and Interior Design to adopt rules to specify that an architect commits an act subject to disciplinary proceedings if the architect:

allows “the preparation of any architectural studies, plans, or other instruments of service in an office that does not have a full-time Florida registered architect assigned to such office” or

fails “to ensure the responsible supervising control of services or projects ...”

The bill does not appear to have a fiscal impact on state or local governments.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

HB 841 – State Lottery/Public Education

By Attkisson and Coley and others

Tied Bills: None

Iden./Sim Bills: CS/SB 482

Committee(s) of Reference: Business Regulation; Education Appropriations; Commerce Council

Currently, all unclaimed prize money from on-line lottery games is added to the prize pool to provide for future prizes or special prize promotions. This bill directs 80 percent of all unclaimed lottery prize money from on-line games to be deposited in the Educational Enhancement Trust Fund (EETF), and provides that the remaining 20 percent will be added to the prize pool to provide for future prizes or special prize promotions.

The Department of Lottery (Department) was given authority in 2002 to establish variable percentages for *instant* ticket prize payouts and EETF transfers and that change has been credited with doubling instant ticket sales. This bill authorizes the Department to establish variable percentages for *on-line* games prize payouts and transfers to the EETF. Currently, as nearly as practical, at least 50 percent is returned to the public in

the form of prizes and at least 39% of the gross revenue from on-line ticket sales is deposited in the EETF. The bill is expected to generate an additional \$31.1 million in FY 2005-06 and an additional \$80.1 million in FY 2006-07 for the Educational Enhancement Trust Fund.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 1012 – Professions Regulated by DBPR

By Regulated Industries; Argenziano

Tied Bills: None

Iden./Sim Bills: HB 253 CS

Committee(s) of Reference: Regulated Industries

Current regulation of professions is carried out, in part, by licensing practitioners by the Department of Business and Professional Regulation (DBPR). Each profession is administered either directly by the DBPR or through a separately appointed board, council, or a commission. Regulation is intended to protect the public by ensuring that licensed professionals meet prescribed standards of education, competency, and practice.

The bill provides each professional board and the DBPR, if there is no board, with the discretionary authority to reinstate and reactivate a license that has become void. The bill requires the former practitioner to attempt to comply with the statutory requirements for maintaining a license in inactive status but creates an exemption from the inactive status requirements if the failure to comply is a result of illness or unusual hardship.

The individual must apply to the board, or the department if there is no board, for reinstatement in a manner prescribed by rules of the board or the department and pay an applicable fee in an amount determined by rule. The individual must meet continuing education requirements prescribed by the appropriate practice act, pay appropriate licensing fees, and otherwise be eligible for renewal of a license.

The bill specifically excludes CPAs from the provisions of the bill. The Board of Accountancy currently has the authority to reinstate a license that has become void.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/CS/SB 1114 – Restaurants Licensed to Sell Wine on the Premises

By Regulated Industries; Transportation; King

Tied Bills: None

Iden./Sim Bills: HB 719 CS

Committee(s) of Reference: Regulated Industries; Transportation

The Division of Hotels and Restaurants of the Department of Business and Professional Regulation (DBPR) is statutorily required to "carry out all of the provisions....relating to the inspection or regulation of....public food service establishments for the purpose of safeguarding the public health, safety, and welfare."

The Division of Alcoholic Beverages and Tobacco of the DBPR is the state agency given responsibility for enforcement of the Beverage Law. Chapter 564, F.S., relates specifically to the regulation of wine.

While the state retains primary regulatory authority over the activities of alcoholic beverage licensees, certain areas of responsibility have been delegated to counties or municipalities to include zoning, regulating the type of entertainment, hours of operation, and conduct permitted in licensed alcoholic beverage establishments.

This combination of state and local regulation effectively prohibits a patron from removing an open container of alcoholic beverages from the premises of a restaurant alcoholic beverage licensee.

The bill creates section 564.09, F.S., to allow restaurants licensed to sell wine on the premises to permit patrons to remove one unsealed bottle of wine for consumption off the licensed premises provided the patron also purchased a full-course meal and consumed a portion of the bottle of wine with the meal. The bill requires a partially-consumed bottle of wine that is to be removed from the premises to be securely resealed.

The container must be placed in a locked glove compartment, locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk. The bill allows transportation of a resealed wine container without being in violation of the open container law.

The bill does not appear to have a fiscal impact on state or local governments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/CS/SB 1348 – Indoor Smoking Places

By Commerce and Consumer Services; Regulated Industries; Geller

Tied Bills: None

Iden./Sim Bills: HB 1297 CS; parts of CS/CS/SB 1308

Committee(s) of Reference: Regulated Industries; Commerce and Consumer Services

At the November 2002 General Election, voters approved Amendment No. 6, to prohibit tobacco smoking in enclosed indoor workplaces. The stated purpose of this constitutional revision, codified as s. 20, art. X, Florida Constitution, was to protect people from the health hazards of second-hand tobacco smoke by prohibiting workplace smoking. The constitutional amendment provided limited exceptions to the prohibition on indoor smoking for private residences, retail tobacco shops, designated smoking guest rooms at hotels and other public lodging establishments, and stand-alone bars. The constitutional amendment required the Legislature to implement the “amendment in a manner consistent with its broad purpose and stated terms.” Implementing legislation was subsequently enacted by the 2003 Legislature. The constitutional amendment provided that a stand-alone bar is “...any place of business devoted during any time of operation predominantly or totally to serving alcoholic beverages... in which the serving of food, if any, is merely incidental to the consumption of any such beverage.” The implementing legislation defined the term “merely incidental” to limit a stand-alone bar from deriving more than 10 percent of its gross revenue from the sale of food.

This bill expands the threshold of allowable food sales from 10 percent to 20 percent for a stand-alone bar that is located in a building that is individually listed in the National Register of Historic Places. The bill creates a window of opportunity to qualify for the expanded exception, by specifying that the stand-alone bar must have submitted an application to the Department of State seeking to obtain this designation on or before 90 days after the effective date of this act.

The bill also addresses several regulatory and enforcement provisions that have been identified as problematic since the Act initially took effect. The bill clarifies that a proprietor or other person in charge of an enclosed indoor workplace may not permit another person to smoke in the workplace. It defines the term “person” to have the same meaning as in the rule of statutory construction in s. 1.01, F.S. The bill applies the penalty provisions for stand-alone bars to alcoholic beverage vendors who permit smoking in alcoholic beverage licensed establishments. Under current law these penalties only apply to alcoholic beverage vendors who have received a stand-alone bar designation from the Division of Alcoholic Beverages and Tobacco [DABT] within the Department of Business and Professional Regulation.

The bill also provides that a law enforcement officer may issue a citation to any person who violates the provisions of the Clean Indoor Air Act and specifies the minimum information that a citation must contain. The bill provides that if any person refuses to comply with a proprietor’s request to stop smoking, a law enforcement officer may remove the violator from the premises.

The bill repeals the requirement that designated stand-alone bars must file an “agreed upon procedures report” signed by a certified public accountant with the DABT every three years. The bill subjects a stand-alone bar’s alcoholic beverage license to revocation or suspension under s. 561.29, F.S., if the stand-alone bar knowingly makes a false statement on the annual affidavit required by s. 561.695, F.S., attesting to the percentage of food sales.

This bill is not expected to have a significant fiscal impact on state or local governments.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

HB 1417 – Land Surveying and Mapping

By Murzin and others

Tied Bills: None

Iden./Sim Bills: CS/SB 2050

Committee(s) of Reference: Business Regulation; Civil Justice; Commerce Council

Chapter 472, F.S., requires the Board of Professional Surveyors and Mappers (board), under the Department of Business & Professional Regulation (DBPR), to license, regulate and discipline surveyors and mappers.

The bill provides that an applicant must have received a degree in surveying and mapping of four years or more in a surveying and mapping degree program from a college or university recognized by the board in order to take the licensure examination. The bill requires applicants for licensure who hold four year degrees, other than in

surveying or mapping, to complete a minimum of 25 semester hours from a college or university approved by the board in surveying, mapping, or other allied subjects. The bill allows photogrammetrists, surveyors conducting aerial map photography, to qualify for licensure as a surveyor and mapper in Florida if they meet certain educational criteria approved by the board. It requires that the applicant must have applied to the DBPR for licensure on or before July 1, 2007.

The bill revises joint and several liability provisions relating to surveyors and mappers. The bill retains current law in regard to the joint and several liability of partnerships and partners for the negligent or wrongful acts of other partners, employees, or agents, but removes the joint and several liability of mappers and surveyors for the acts of officers, agents, or employees of other types of business entities that provide mapping and surveying services. Surveyors and mappers practicing in other types of business entities would be relieved of joint and several liability for the negligent or wrongful acts of others; however, they would remain personally liable for their own acts and for the acts of those under their direct supervision. Partnerships and other business entities would remain fully liable for the acts of their partners, officers, agents, or employees.

The bill replaces the term "photogrammetric mapper" with "photogrammetrist" to reflect current use of terminology.

The bill is not anticipated to have a significant fiscal impact on state or local governments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

Economic Development, Trade & Banking Committee

CS/CS/SB 202 – Community Contribution Tax Credit

By Government Efficiency Appropriations; Commerce and Consumer Services; Saunders and others

Tied Bills: None

Iden./Sim Bills: HB 15

Committee(s) of Reference: Community Affairs; Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations

The Community Contribution Tax Credit Program authorizes businesses that make donations to eligible sponsors who undertake certain community revitalization projects to claim a credit equal to 50 percent of the donation against the corporate income tax, franchise tax, sales or use tax, or insurance premium tax, upon approval by the Governor's Office of Tourism, Trade and Economic Development. The combined total amount of tax credits that can be approved is \$12 million annually, and no individual business may receive more than \$200,000 in tax credits per year.

The bill requires that 80 percent of available tax credits up to \$10 million and 70 percent of credits over that amount be reserved for projects that provide homeownership opportunities for low-income and very-low-income households. The bill also revises the procedures governing the distribution of tax credits. Finally, the bill extends the operation of the program through June 30, 2015.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/CS/SB 334 – Public Housing

By Government Oversight and Productivity; Commerce and Consumer Services; Saunders and others

Tied Bills: None

Iden./Sim Bills: HB 545 CS

Committee(s) of Reference: Community Affairs; Commerce and Consumer Services; Governmental Oversight and Productivity

The bill authorizes Florida's public housing authorities to organize for the purpose of creating for-profit and not-for-profit business entities which can enter into partnerships, joint ventures and other business arrangements for the development of multifamily and single family residential projects. The bill allows such projects to include nonresidential uses, and to serve individuals and families with income up to 150 percent of the applicable area median income in certain circumstances.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/SB 486 – Enterprise Zones

By General Government Appropriations; Environmental Preservation; Dockery and Haridopolos

Tied Bills: None

Iden./Sim Bills: HB 1003

Committee(s) of Reference: Environmental Preservation; General Government Appropriations

The bill authorizes new enterprise zones in the City of Lakeland; the cities of Vero Beach, Sebastian and Indian River County; Sumter County; and the municipality of Apopka and Orange County.

The bill also requires OPPAGA to conduct an evaluation of the tax incentives available in rural enterprise zones and the effectiveness of these zones in creating jobs. The evaluation shall include an estimation of the costs of new tax incentives such as the transfer of unused enterprise zone tax credits and shall identify obstacles faced by rural enterprise zones. OPPAGA's report and recommendations are due December 1, 2005.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 529 – Funeral and Cemetery Industry Regulation

By Kreegel and others

Tied Bills: HB 1469

Iden./Sim Bills: CS/CS/CS/SB 2346

Committee(s) of Reference: Economic Development, Trade & Banking; Criminal Justice; State Administration Appropriations; Commerce Council

The bill amends ch. 497, F.S., relating to the funeral and cemetery industry. The bill follows the passage in 2004 of ch. 2004-301, L.O.F., which created the Board of Funeral, Cemetery and Consumer Services within the Department of Financial Services and empowered the board to enforce the provisions of chs. 470 and 497, F.S., as they relate to the regulation of funeral directors, embalming, cremation, cemeteries, monument establishments, direct disposers, cremation services, cemetery companies and preneed contracts for funeral merchandise or services. The bill completes the consolidation of funeral and cemetery regulation.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HB 871 – Deposit of Public Funds

By Bilirakis and others

Tied Bills: None

Iden./Sim Bills: SB 1998

Committee(s) of Reference: Economic Development, Trade & Banking; Finance & Tax; Commerce Council

The bill allows the Chief Financial Officer and units of local government to deposit public funds with qualified public depositories under certain conditions. The funds must be initially deposited through a qualified public depository, as defined in s. 280.02, F.S., selected by the Chief Financial Officer or unit of local government. The selected depository must arrange for deposit of the funds in certificates of deposit in one or more federally insured banks or savings and loans associations, wherever located, in the account of the state or unit of local government. The full amount of principal and accrued interest of each certificate of deposit must be insured by the Federal Deposit Insurance Corporation. The selected depository is to act as custodian for the state or

unit of local government with respect to such certificates of deposit issued for its account.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 1056 – Business Entities

By Judiciary; Klein and others

Tied Bills: None

Iden./Sim Bills: HB 595 CS

Committee(s) of Reference: Commerce and Consumer Services; Judiciary; Government Efficiency Appropriations

The bill creates the Florida Revised Uniform Limited Partnership Act – 2005, substantially updating and changing the law based on a model act released by the National Conference of Commissioners on Uniform State Laws. The bill also harmonizes the merger and conversion provisions of the corporation, not-for-profit corporation, limited liability company, limited partnership and general partnership laws to allow the conversion of business entities from one form to another in a one-step process. The bill makes conforming changes to the laws governing corporations and other business entities to bring them into line with the changes in the new limited partnership act. The bill repeals the existing provisions of Chapter 620, Part I, relating to the Florida Revised Uniform Limited Partnership Act (1986).

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2006.

CS/SB 1154 – Enterprise Florida, Inc.

By Commerce and Consumer Services; Dockery

Tied Bills: None

Iden./Sim Bills: HB 931

Committee(s) of Reference: Commerce and Consumer Services; Communications and Public Utilities; Transportation and Economic Development Appropriations

The bill revises a number of provisions regarding the duties, management and finances of Enterprise Florida, Inc. (EFI). The bill will allow for the appointment of at-large board members to an executive committee and extension of their terms from one to three years, modify requirements for supermajority votes and restrictions on contracts between EFI and organizations represented on EFI's board, revise return-on-investment and customer satisfaction reporting requirements, and remove duties placed on EFI relating to solar energy industry promotion and workforce development.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 1300 – Corporate Income Tax/Limitation/Refunds

By Government Efficiency Appropriations; Campbell

Tied Bills: None

Iden./Sim Bills: HB 659 CS

Committee(s) of Reference: Government Efficiency Appropriations

Section 220.727, F.S., provides the rule for determining when payments of estimated

income tax are deemed to be made for purposes of the statute of limitations governing refunds. Currently, payments of estimated tax are deemed paid either at the time the taxpayer files the return or at the time the return is required to be filed, determined without regard to any extension thereof, whichever occurs first. The bill provides that payments of estimated tax are deemed paid at the time the return is required to be filed with regard to any extensions of time allowed to the taxpayer, and not an earlier time when the estimated tax payments were actually made.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005 and shall apply retroactively to tax years beginning January 1, 2001.

CS/SB 1330 – Financial Institutions/Credit Unions

By Judiciary; Atwater

Tied Bills: None

Iden./Sim Bills: HB 1733 CS

Committee(s) of Reference: Banking and Insurance; Judiciary

The bill makes changes to the credit union law to provide consistency with the National Credit Union Administration. The bill removes obsolete language relating to the Florida Credit Union Guaranty Corporation, Inc., and updates the statutes to bring accounting concepts in line with Generally Accepted Accounting Principles. The bill revises procedures for the merger of credit unions and removes specific powers of a credit union in favor of broader business powers. The bill modernizes terminology for responsibilities of the board of directors and makes other clarifying and modernizing changes.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1469 – Public Records and Meetings Exemptions

By Kreegel; Homan

Tied Bills: HB 529

Iden./Sim Bills: CS/SB 2344

**Committee(s) of Reference: Economic Development, Trade & Banking;
Governmental Operations; Commerce Council**

The bill creates a public records exemption for the Board of Funeral, Cemetery, and Consumer Services when holding meetings conducted for the exclusive purpose of developing or reviewing licensure examination questions and answers, holding probable cause panel meetings, and scheduling inspections and special examinations. The bill creates a public records exemption for information held by the Department of Financial Services pursuant to a financial examination or inspection and for trade secrets of a licensee or applicant for license or approval. The bill provides that records of probable cause panel meetings will be exempt until the investigation is completed or until 10 days after a determination of probable cause.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HB 1483 – Tax Refund Programs for Qualified Defense Contractors and Target Industry Businesses

By Economic Development, Trade & Banking; Bilirakis

Tied Bills: None

Iden./Sim Bills: CS/SB 2216**Committee(s) of Reference: Finance & Tax; Commerce Council**

The bill amends the Qualified Target Industry (QTI) and Qualified Defense Contractor (QDC) programs to require tax refunds under QTI and QDC be paid in the order they are approved by the Governor's Office of Tourism, Trade and Economic Development (OTTED) and to require OTTED to pay tax refunds that exceed the appropriation for a given fiscal year from appropriations for the following fiscal year and report to the Legislature by March 1 of any anticipated shortfall in the amount of funds needed to satisfy tax refunds in any given fiscal year. It also requires OTTED to report the name and tax refund amount for each business that receives a refund under QTI or QDC for the previous fiscal year. The bill clarifies that communications services taxes administered under chapter 202 F.S. are eligible for refund and authorizes OTTED to make retroactive payments to October 1, 2001 for taxes paid under that chapter. The bill allows a QTI or QDC business to seek up to a two year economic stimulus exemption due to the effects of a named hurricane or tropical storm and authorizes OTTED to waive the 20 percent local financial support requirement for certain counties through fiscal years 2006-2007 in response to the named hurricanes of 2004. The bill also extends the expiration date for the QTI and QDC programs to June 30, 2010.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 1527 – Disposition of Unclaimed Property**By Lopez-Cantera and others****Tied Bills: None****Iden./Sim Bills: CS/CS/SB 2494****Committee(s) of Reference: Economic Development, Trade & Banking; State Administration Appropriations; Commerce Council**

The bill amends current law to lower due diligence requirements to be more consistent with those required by other states and provides that unclaimed stock or other equity interests of business associations that cannot be cancelled and registered in the Department of Financial Services' name or that cannot be liquidated and converted into United States currency may be sold for the value of the certificate. The bill provides a process for conflicting claims received by the Department and requires attorney's fees to be paid by any person to the Department should the Department have to defend against actions to garnish unclaimed property and for fees to be paid by the estate seeking property paid or delivered to the Department if the Department is the prevailing party.

The bill authorizes a court of competent jurisdiction to impose fines against any person found to have violated any provision of the law and broadens enforcement provisions by providing that certain actions constitute grounds for civil enforcement. The bill revises the dormancy period for unclaimed equity and debt of a business association from five to three years and creates a presumption for unclaimed financial interests in certain cases. The bill provides the Department of Financial Services rulemaking authority to establish acceptable evidence of the identity of a seller and creates a 45-day period during which representation agreements and purchase agreements are void.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/SB 1650 – Workforce Innovation

By Government Oversight and Productivity; Commerce and Consumer Services; King; Lynn

Tied Bills: None

Iden./Sim Bills: HB 1645 CS

Committee(s) of Reference: Commerce and Consumer Services, Governmental Oversight and Productivity; Transportation and Economic Development Appropriations

The bill modernizes the Workforce Innovation Act and removes obsolete language relating to out of date programs overseen by the Agency for Workforce Innovation and Workforce Florida, Inc. The bill provides more flexibility for the Agency for Workforce Innovation and Workforce Florida, Inc., in carrying out the workforce strategy of the state. It streamlines the Workforce Florida Board organization and places term limits on the chair of Workforce Florida, increases the term of the board members from two to three years, and provides for staggered board terms. The bill removes a requirement requiring the Governor to appoint board members within 30 days of receiving a nomination and provides the Agency with rule making authority for carrying out the provisions of chapter 445, F.S.

The bill provides that Workforce Florida, Inc. is exempt from chapter 120, F.S., (Administrative Procedure Act) and chapter 287, F.S., (Procurement of Personal Property and Services).

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1693 – Unemployment Compensation

By Economic Development, Trade & Banking; Bilirakis; Homan

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1652

Committee(s) of Reference: Criminal Justice; Transportation & Economic Development Appropriations; Commerce Council

The bill enacts federally mandated changes to state unemployment compensation tax law required by the "SUTA Dumping Prevention Act of 2004", P. L. 108-295. Conformity with the new federal law will ensure that Florida does not jeopardize its federal grant for the administration of the program, which annually provides \$69 million to the state. The bill prohibits a business from acquiring a lower unemployment tax contribution rate through merger or purchase of another business. The bill also creates new provisions designed to combat fraud in the unemployment compensation system, including the creation of a third degree felony related to certain activities that defraud the unemployment claims system. This bill also improves program administration in unemployment claim appeals and benefit payment control. The bill extends the time period for recoupment or restitution of benefits paid to a person not entitled to them from two years to three years.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1725 – Florida Enterprise Zone Act

By Economic Development, Trade & Banking; Bilirakis and others

Tied Bills: None

Iden./Sim Bills: CS/CS/CS/SB 1770

Committee(s) of Reference: Finance & Tax; Commerce Council

The bill reenacts and extends the Florida Enterprise Zone program, and it's related various state and local enterprise zone incentives, until 2015. Additionally, this bill caps the number of enterprise zones at the current number (55) unless the Legislature authorizes new zones; requires redesignation of existing enterprise zones; establishes a procedure for the designation of new zones (if an existing zone is not redesignated); establishes a more flexible procedure for zone boundary changes; and requires additional reporting requirements by enterprise zones.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/CS/SB 1910 – Workforce Innovation

By Transportation and Economic Development Appropriations; Children and Families; King and others

Tied Bills: None

Iden./Sim Bills: HB 1219 CS

Committee(s) of Reference: Commerce and Consumer Services; Children and Families; Transportation and Economic Development Appropriations

The bill permits Workforce Florida, Inc. to expand the Passport to Economic Progress demonstration program statewide and authorizes Workforce Florida, Inc. to designate regional workforce boards to participate in the program. The bill permits Workforce Florida, Inc. to offer incentive bonuses, provides requirements for those bonuses and specifies that such bonuses are not entitlements.

The bill creates the Florida Youth Summer Jobs Pilot Program, which will provide summer jobs to at-risk and disadvantaged youth between the ages of 14 and 18 in workforce development district 22 in Broward County. The bill requires the allowance of educational enrichment and life skills training as part of the program. The bill requires the match of appropriated or allocated funds by a community, if that community chooses to participate in the program. The bill provides the program will be funded by specific legislative appropriation.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

Insurance Committee

HB 19 – Motor Vehicle Driving Privileges; DUI

By Kravitz and others

Tied Bills: None

Iden./Sim Bills: SB 468

Committee(s) of Reference: Insurance; Transportation; Transportation & Economic Development Appropriations; Commerce Council

Currently, Florida law specifies that each motor vehicle subject to registration and ownership by a natural person be registered for one year. The law does not require a person who has been convicted of driving under the influence (DUI) to renew under a different or shorter registration cycle. In addition, current law requires persons who have been convicted of DUI to maintain full liability insurance, rather than only personal injury protection (PIP) coverage for a threeyear period following the DUI conviction. Presently, the law also requires an insurance carrier to notify the Department of Highway Safety and Motor Vehicles (DHSMV) when an automobile insurance policy is canceled.

HB 19 as enacted makes the following changes:

- Requires anyone whose driver license has been suspended or revoked due to a violation for DUI renew his or her vehicle registration every six months, rather once a year. The registration tax required by s. 320.08, F.S., and all other applicable license taxes associated with registering a vehicle will, under the act, be one-half the amount otherwise required. However, the transaction service charge required by s. 320.04, F.S., currently \$4 per registration, will be paid in full for each six month registration. The \$4 fee includes a \$2.50 service fee, a \$.50 branch service fee, and a \$1.00 decal-on-demand fee. The \$1 fee is remitted to DHSMV, while county tax collectors keep both the service and branch service fee, for a total of \$3 per transaction.
- Amends ss. 324.131 and 627.7275, F.S., to require a person convicted of DUI to maintain, for a three year period, non-cancelable liability coverage for each vehicle owned and to provide proof of coverage to the DHSMV. The act further requires insurers to make available, subject to their normal underwriting requirements, bodily injury, death, and property damage liability coverage that is non-cancelable for a specified period to applicants seeking coverage for reinstatement of driving privileges revoked or suspended following a DUI conviction. The compulsory liability insurance requirement is presently required in ch. 324, F.S., relating to Florida's Financial Responsibility Law, and will have no additional impact.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

SB 52 – Commercial Motor Vehicles

By Geller

Tied Bills: None

Iden./Sim Bills: HB 653

Committee(s) of Reference: Transportation; Banking and Insurance; Criminal Justice

Senate Bill 52 creates s. 316.570, F.S., to require any person who retrofits, rebuilds, or modifies a commercial truck, truck tractor, or heavy truck into a dump truck to have evidence of coverage under a commercial liability insurance policy. The act specifies that a business or person who retrofits a vehicle as a dump truck must carry a commercial policy that provides, at a minimum, \$1 million in coverage per accident and \$1 million in coverage on an annual basis. Evidence of such insurance policy must be available at all reasonable hours for inspection by any law enforcement officer.

The act also mandates that the creation of dump trucks through retrofitting, rebuilding, or modification must comply with the federal safety standards provided in 49 Code of Federal Regulations (CFR) section 393.

A dump truck is defined as a motor vehicle with a net weight of more than 5,000 pounds that is registered on the basis of its gross weight in accordance with law. A dump truck also is a truck properly equipped with a container used for the transport and dumping of various materials, resources, or item.

The act states that any person who fails to maintain the required commercial liability insurance or who does not comply with the federal safety standards provided in 49 CFR 393, for the first time commits a second-degree misdemeanor. A second violation is a first-degree misdemeanor and a third or subsequent violation is a third-degree felony.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HB 69 – Fire Prevention and Control

By Insurance; Quinones and others

Tied Bills: None

Iden./Sim Bills: CS/SB 108

Committee(s) of Reference: Insurance; Criminal Justice; State Administration

Appropriations; Commerce Council

This act is named for Lt. John Mickel and Dallas Begg who died in a live fire training exercise.

This bill creates a Fire and Emergency Incident Information Reporting Program within the Division of State Fire Marshal in the Department of Financial Services. This program is designed to collect and electronically share fire and emergency incident information between fire protection agencies. The bill also creates a Fire and Emergency Incident Information System Technical Advisory Panel and provides for the membership and duties of the panel.

The bill creates a third-degree felony offense for a person initiating a pyrotechnic display within any structure, unless: the structure has a fire protection system; the person has written authorization from the owner of the structure for the pyrotechnic display; and the person has a properly issued permit if required by the local jurisdiction, or the display conforms to National Fire Protection Association, Standard 1126, if no permit is required.

The bill requires the Division of State Fire Marshal to adopt rules for live fire training for firefighters in conformance with the relevant National Fire Protection Association

Publications. It requires fire training instructors be certified on and after January 1, 2006.

Proceeds from contraband seized by the Division of State Fire Marshal must be deposited into the Insurance Regulatory Trust Fund. These proceeds will be used for purposes of arson suppression, arson investigation, and funding of anti-arson rewards.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 105 – Life Insurance & Annuity Contracts; Insurers Based Outside the United States Selling to non-U.S. Residents

By Llorente and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1508

Committee(s) of Reference: Insurance; Finance & Tax; Commerce Council

Current law, with specified exceptions, prohibits insurance transactions in Florida unless the insurer holds a certificate of authority issued by the Office of Insurance Regulation (OIR).

The bill exempts an insurer domiciled outside of the United States from the requirement that the insurer obtain a certificate of authority to operate from offices within Florida for transactions involving life and annuity contracts sold to nonresidents of the United States. If the insurer domiciled outside of the United States maintains an office in Florida for the purpose of selling or servicing its outstanding insurance policies, staff of the office who act as insurance agents are required by the bill to be licensed under Florida law as insurance agents. In addition, the insurer is also subject to the Unfair Insurance Trade Practices section of ch. 626, F.S.

The bill requires that an insurer domiciled outside of the U.S. provide the following to an applicant:

- A copy of the insurer's most recent quarterly financial statement;
- The date of the organization of the insurer;
- The rating or non-rating of the company;
- A statement that the company does not hold a certificate of authority from Florida and is not regulated by OIR; and
- The identity and address of the regulatory authority exercising oversight of the insurer.

A policy issued under the act is exempt from the premium tax required by s. 624.509, F.S. The act provides specific requirements for non-United States domiciled insurers to provide life and annuity policies to non-United States residents. For example, the act requires disclosure in the application and on the policy that the policy is not governed by the laws of Florida and is not covered by the Florida Life and Health Guaranty Association. The disclosures are similar to those required for out-of-state group policies that are issued in another state and are necessary for policies written by insurers that are not authorized to do business in the United States. The act applies the Florida Money Laundering Act, chapter 896, F.S., to single-premium life insurance policies and single annuity contracts issued to persons who are non-residents. The Office of

Insurance Regulation is authorized by the bill to examine or investigate a foreign insurer in the same manner as OIR would examine or investigate a domestic insurer and to charge the foreign insurer for the costs of the examination or investigation. If its investigation warrants such action, OIR may rescind the ability of the foreign insurer to offer policies to nonresidents of the U.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 423 – Definition of “Employee” for the Purposes of Workers’ Compensation

By Ross

Tied Bills: None

Iden./Sim Bills: SB 2118

Committee(s) of Reference: Insurance; Transportation; Commerce Council

The bill amends the criteria an owner-operator of a motor vehicle must meet in order to be excluded from workers’ compensation coverage. The changes in criteria for the definition of “owner-operator” provided by the bill are:

- The bill allows an owner-operator to furnish only the motor vehicle equipment identified in the written contract between the motor carrier and the owner-operator.
- The bill allows an owner-operator to furnish the principal costs incidental to the contract between the motor carrier and the owner-operator.
- The bill allows a principal to advance costs to an owner-operator as long as the written contract between the motor carrier (principal) and the owner-operator requires the owner-operator to reimburse the advanced costs.
- The bill deletes the statutory requirement that an owner-operator has to be paid on commission.

If a person meets the preceding criteria as well as the other aspects of the definition of “owner-operator,” he or she is excluded from workers’ compensation and cannot receive workers’ compensation if injured on the job.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005 .

SB 450 – Unfair Insurance Practices; Insureds on Active Military Duty and their Covered Dependents

By Geller; Lynn

Tied Bills: None

Iden./Sim Bills: HB 463 CS

Committee(s) of Reference: Banking and Insurance; Community Affairs

The Florida National Guard (FNG) is the state’s modern “organized” militia and is an essential reserve component of the national defense force. The Florida Department of Military Affairs is the state agency responsible for management, oversight, and administrative support to the FNG. There are currently more than 12,000 troops serving in more than 100 Air Force and Army units of the FNG. As of mid-April 2005, Florida has deployed an estimated 8,000 FNG troops, primarily in the middle east. When federally deployed, FNG troops are considered part of the United States Armed Forces.

Section 627.733(5), F.S., states that members of the United States Armed Forces who are on active duty outside of the United States in an emergency situation are not required to maintain Florida motor vehicle insurance. Current law does not prohibit an insurer from charging a higher premium to reinsure a member of the FNG after the insured returns to civilian life if his or her motor vehicle policy was terminated during the period of active military service.

Law governing unfair insurance trade practices, part IX of ch. 626, F.S., is amended by the act to specify that an insurer may not charge a higher premium to reinstate a canceled or suspended motor vehicle insurance policy if the policy was canceled or suspended because the policy owner was transferred out of Florida to serve in the U.S. Armed Forces, the Armed Forces Reserve, or the National Guard. Similarly, it will become an unfair trade practice for an insurer to charge a higher premium for a new motor vehicle insurance policy if the previous policy of the insured was canceled or suspended because the insured was called to active military service outside of Florida. Under the bill, an insurer is required to consider such persons and their covered dependents as having maintained continuous motor vehicle insurance coverage.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 501 – Insurance Field Representatives and Operations

By Berfield

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1002

Committee(s) of Reference: Insurance; State Administration Appropriations; Commerce Council

The bill allows a general lines agent to hold a managing general agent license as long as the managing general agent license held was issued in another state.

The bill permits appointment of branch locations for a seller of communications equipment insurance under a lead location's appointment in lieu of the branch location obtaining a separate appointment by the insurer. The bill also allows the branch locations to renew their appointments at the time the lead location renews its license to sell communication equipment insurance. It allows branch locations individually appointed by an insurer to replace that appointment with one from a lead location.

The bill reduces the appointment renewal fee for branch locations from \$60 to \$30 biennially.

The bill allows entities obtaining a limited lines license to sell communications equipment insurance to sell service warranty agreements for communications equipment without obtaining a separate license and appointment to sell service warranty agreements.

The bill removes the requirement that an insurance company include in their rate filing a \$10 maximum per-policy fee currently allowed by law to be charged by insurance agents for administrative costs associated with selling only a personal injury protection and property damage liability policy.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 811 – Health Insurance

By Kreegel and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1660; parts of HB 1503 CS

Committee(s) of Reference: Insurance; Health Care General; Commerce Council

The bill amends various provisions of the Florida Insurance Code to regulate specified activities of health insurers in the state. Many changes in the bill amend and refine laws adopted by the 2004 Legislature aimed at increasing the availability of health insurance to Florida consumers rather than imposing new requirements. Specifically, the bill:

- Amends s. 627.6402, F.S., to authorize, rather than require an insurer to offer a rebate to an individual policyholder who participates in a wellness or similar program.
- Amends the Insurance Code to authorize a licensed health insurer or HMO to offer a high-deductible plan or contract that meets federal requirements of a health savings account plan or a health reimbursement account.
- Amends Florida's mini-COBRA law to conform timeframes in Florida law to the federal standards under the Health Insurance Portability and Accountability Act (HIPAA). This means an employee and his or her eligible dependents have 63 days, rather than the current 30 days specified in state law, to apply for continuation of coverage.
- Authorizes insurers offering specified small group policies to offer a high deductible plan that meets the requirements of a health savings account (HSA) as defined by federal law.
- Requires insurers to make direct payment to a physician, dentist, or hospital for treatment received by an insured in an emergency room at the rate established in the policyholder's insurance contract under specified conditions.
- Amends several provisions relating to the Small Employer Health Reinsurance Program. Changes composition of the program's board of directors and the duties assigned to the board.
- Requires the Office of Insurance Regulation to examine the books and other records of an HMO once every five years rather than every three years and increases from \$20,000 to \$50,000 the maximum amount OIR may charge an HMO for an audit or investigation.
- Changes due dates for specified reports from the Agency for Health Care Administration relating to performance outcome and patient charge data.
- Amends s. 641.31, F.S., and other laws governing group policies to require an insurer to offer a group rebate when a majority of the group members participates in a wellness or similar program under specified conditions.
- Amends the Employee Health Care Access Act to authorize "list billing" by a small employer. This means an employer with 50 or fewer employees may collect a health insurance premium from the salary or wages of an employee and pay the premium to an individual health insurer on behalf of the employee as long as the employer does not contribute toward the premium or otherwise facilitate health insurance coverage under conditions specified in the act.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005, except as otherwise provided in the act.

HB 1081 – Discount Medical Plan Organizations

By Berfield and others

Tied Bills: None

Iden./Sim Bills: CS/SB 2214

**Committee(s) of Reference: Insurance; Health Care General; State Administration
Appropriations; Commerce Council**

Within the past 10-12 years, business entities known as discount medical plan organizations have begun offering discounts for specified health care services; these organizations are popularly referred to as DMPOs (pronounced “dimpos”). Currently, at least 1 million Florida households--more than 2 million citizens--are members of a DMPO. A discount plan does not fit the traditional definition of an insurance product and thus, was not subject to regulation under the Florida Insurance Code until the 2004 Legislature authorized the Office of Insurance Regulation (OIR) to regulate DMPOs, effective March 31, 2005.

The act makes the following changes to Part II of chapter 636, F.S., the laws governing the activities of DMPOs:

- Authorizes a DMPO that is a subsidiary to submit the audited financial statement of its parent entity if the statement reflects the consolidated operations of both the parent and the DMPO.
- Changes the requirement that a DMPO refund a consumer's membership fees if membership is canceled within 30 days of joining the plan to allow the DMPO to keep up to \$30 for enrolling a member.
- Authorizes the licensure of Limited Liability Companies and Limited Partnerships as DMPOs and exempts entities and companies currently licensed by OIR from seeking licensure as a DMPO.
- Amends current law to specify that if an initial contact with a consumer is made by telephone, disclosures required by law shall be made orally and included with printed materials sent subsequently.
- Authorizes a DMPO that is a subsidiary of a publicly-traded company to request OIR to accept the consolidated audited financial statements of the parent entity, rather than an audited financial statement of the DMPO, if the parent entity also provides OIR with a written guaranty that the DMPO meets the minimum capital requirements specified by law.
- Authorizes OIR to impose an administrative penalty up to \$75,000, in addition to suspending or revoking the license of a DMPO.
- Repeals the provision that makes a DMPO responsible and financially liable for the actions and claims of its marketer.
- Amends the requirement that a DMPO post a security deposit of at least \$35,000 to allow a surety bond in lieu of the \$35,000.
- Amends penalty provisions OIR may impose to specify that a DMPO is subject to misdemeanor charges only if it “willfully” violates the law and specifies that a DMPO is subject to a third degree felony if a person “willfully” violates the law.
- Repeals the authority for a citizen to bring a civil action against a DMPO.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 1432 – Insurance Administrators
By Banking and Insurance; Baker
Tied Bills: None
Iden./Sim Bills: HB 1149
Committee(s) of Reference: Banking and Insurance

Insurance administrators provide various services to life or health insurers or self-insured programs such as soliciting coverage, collecting premiums, claims handling, and settling claims. Administrators must be licensed by the Office of Insurance Regulation and are regulated under Part VII of Chapter 626, Florida Statutes

SB 1432 makes changes to Chapter 626, F.S., that are consistent with the National Association of Insurance Commissioners Model Act 090, the NAIC Third Party Administrator Statute. The bill amends the definition of "administrator" to exempt from licensure requirements wholly owned direct or indirect subsidiaries of an employer that provide administrative services for the employer or the employer's subsidiaries or affiliated corporations. The bill creates additional exemptions from licensure for entities meeting certain criteria.

New applicants for licensure, such as an administrator, must file audited financial statements for the past two fiscal years. New applicants must also submit a business plan that details staffing levels and the applicant's ability to provide a sufficient number of qualified personnel to carry out specified duties. The annual report filed by an administrator must include an audited financial statement performed by an independent certified public accountant under the bill, which also provides authority for the electronic submission of such documents.

The bill requires the insurer and its administrator to enter into a written agreement whereby the insurer determines the benefits, premium rates, underwriting criteria, and claims payment procedures the administrator is to follow. The insurer is solely responsible for the competent administration of its programs. Also, an insurer must semiannually review the operations of an administrator handling over 100 insurance certificate holders, with one such review being an on-site audit of the administrator's operations.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

CS/SB 1486 – Property Insurance
By Banking and Insurance; Garcia; Lynn
Tied Bills: HB 1939; CS/CS/SB 1478
Iden./Sim Bills: HB 1937 CS; CS/CS/SB 1488; HB 1745 CS
Committee(s) of Reference: Banking and Insurance

The bill makes numerous changes to the property insurance law enumerated as follows:

Florida Hurricane Catastrophe Fund (FHCF)

- Lowers the “retention” or amount of residential hurricane losses that insurers must meet to be reimbursed from the FHCF, from \$4.96 billion to \$4.5 billion per hurricane, for the 2005 contract year.
- Reduces the retention to one-third of the full retention for the third and each additional hurricane in a year (in order of loss magnitude).
- Effective June 1, 2005.

Low-interest loan program for hurricane loss mitigation

- Requires the Department of Community Affairs (DCA) to establish a low-interest loan program, by subsidizing or guaranteeing private sector loans, for homeowners to retrofit their homes to reduce hurricane losses, beginning in FY 2006-07. For FY 2005-06, up to \$1 million of the \$10 million annually appropriated to DCA from the FHCF could be used for establishing a pilot project in one or more counties.
- Effective July 1, 2005.

Insurance Rating Law

- Requires a public hearing for property insurance rate filings exceeding 15 percent, (rather than 25 percent) if based on a computer model.
- Provides that hurricane loss models approved by the Florida Commission on Hurricane Loss Projection Methodology are admissible and relevant in a rate proceeding only if the Office of Insurance Regulation (OIR) and the insurance consumer advocate have access to all aspects of the model.
- Requires OIR to propose to the Legislature, by January 15, 2006, a standard territory rating plan for residential property insurance, but not to be implemented unless authorized by further act of the Legislature.
- Prohibits an insurer from recouping more than one year of reimbursement premium paid to the FHCF at a time.

Public Hurricane Loss Model

- Requires insurers to report loss and exposure data for developing and updating the public hurricane loss model.

Citizens Property Insurance Corporation (“Citizens”)

- Changes appointments to the board of governors from seven appointed by the Chief Financial Officer (CFO), to two members each appointed by the Governor, CFO, President of the Senate, and Speaker of the House or Representatives (eight total).
- Authorizes a pilot project in Monroe County to require that rates be actuarially sound and not excessive, inadequate, or unfairly discriminatory, rather than the highest average rate in a county compared to the 20 leading insurers in the state, for those areas where OIR determines that a reasonable degree of competition does not exist.
- Requires Citizens to create a Market Accountability Advisory Committee to report at each board meeting, consisting of members appointed by agent associations, insurers, OIR, the Citizens board, a realtor association, and a bankers association.
- Provides legislative intent that Citizens provide service that is of the highest possible level.
- Clarifies that Citizens may issue bonds to refinance outstanding debt.

- Requires Citizens to make its best efforts to procure reinsurance to cover its projected 100-year probable maximum loss.
- Requires the Auditor General to conduct an operational audit of Citizens.
- Requires Citizens to submit a report to the Legislature.

Standard Personal Lines Residential Policies

- Requires the CFO to appoint an advisory committee to develop standard personal lines policies to submit to the Legislature by January 15, 2006, but insurers would not be required to offer a standard policy unless required by further act of the Legislature.

Disapproval of Policy Forms

- Authorizes OIR to disapprove a policy form for residential property insurance if it contains provisions that are unfair, inequitable, or that encourage misrepresentation.

Checklist of Coverage

- Requires that insurers provide a checklist of coverage for personal lines residential policies, on a form adopted by the Financial Services Commission, including whether certain specified risks are covered, premium discounts, deductibles, replacement cost or actual cash value coverage, etc.
- Effective January 1, 2006.

Hurricane Deductibles for Personal Residential Property

- Increases the maximum allowable deductible for personal lines residential policies from 5 percent to 10 percent of the dwelling limits.
- Requires insurers to offer deductibles of 2 percent, 5 percent, and 10 percent of dwelling limits for personal lines residential policies, rather than just 2 percent.
- Requires that the dollar amount of a percentage deductible be specified and provides other disclosure requirements.
- Effective October 1, 2005.

Hurricane Deductibles for Commercial Residential Property

- Requires that for condominiums and other commercial residential policies, the insurer must offer both an annual hurricane deductible and a per event deductible, beginning January 1, 2006.
- The mandatory annual hurricane deductible enacted in the December, 2004 Special Session, would be limited to personal lines residential policies.

Law and Ordinance Coverage

- Requires insurers to offer coverage in homeowners policies equal to 50 percent of dwelling limits for the additional costs to meet applicable building codes, as an option to the 25 percent coverage that must currently be offered or provided.
- Requires OIR to study the issue of requiring insurers to provide law and ordinance coverage.

Replacement Cost Coverage

- Requires that if a loss is insured for replacement cost, the insurer must pay the replacement costs without holdback of any depreciation in value, whether or not the insured replaces or repairs the dwelling or property.

- Effective October 1, 2005.

Timely Payment of Claims

- Requires insurers to renew and acknowledge a homeowner's claim within 14 days.
- Requires claim investigation to begin within 10 days after the insurer receives proof of loss statements from the policyholder.
- Provides exceptions for factors beyond the control of the insurer.

Mediation Program

- Expands the mediation program for resolving property insurance disputes, administered by the Department of Financial Services, to commercial residential policies, and provides a penalty for insurers failing to notify claimants of their right to mediation.
- Effective July 1, 2005.

Valued Policy Law (Mierzwa)

- In response to a recent district court of appeal opinion, provides legislative intent that the valued policy law is not intended to create new or additional coverage, or to require an insurer to pay for a loss caused by a peril other than the covered peril. If a loss is caused in part by a covered peril and in part by a noncovered peril, the insurer's liability is limited to the amount of the loss caused by the covered peril. However, if the covered perils alone would have caused the total loss, then the valued policy law applies and the insurer must pay policy limits, not exceeding the amounts necessary to repair, rebuild or replace the insured structure.
- These provisions will not be applied retroactively and shall apply only to claims filed after the effective date of this amendment.

Sinkhole claims -- Revises the law on sinkhole claims, as follows:

- Specifies that sinkhole coverage includes the costs to stabilize the land and building and to repair the foundation.
- Allows an insurer to deny a sinkhole claim if the insurer determines there is no sinkhole loss, but the insurer must provide written notice to the policyholder of their right to demand testing.
- If the policyholder demands testing, the insurer must engage an engineer or a geologist to conduct testing.
- Testing must be conducted in compliance with specified standards and a report must be issued as to the cause of the loss, with recommendations for stabilization and repair.
- The findings and recommendations of the engineer and geologist are presumed correct and the insurer must pay the costs of stabilization and repair in accordance with the recommendations.
- The insurer may limit its payment to the actual cash value of the sinkhole loss until such time as expenses related to land and building stabilization and foundation repairs are incurred, including underpinning and grouting. But, the insurer cannot require the policyholder to advance payments. The insurer must pay the expenses after a policyholder enters into a contract for stabilization or foundation repairs, and pay amounts necessary to begin and perform repairs as the work is conducted.

- If repair has begun and the engineer selected or approved by the insurer determines that the repair cannot be completed within the policy limits, the insurer must either complete the engineer's recommended repair or tender the policy limits to the policyholder without a reduction for the repair expenses incurred.
- If an insurer pays a sinkhole claim, it must file a copy of the professional report with the county property appraiser.
- Establishes a sinkhole database to track sinkhole insurance claims.
- Requires the seller of real property to disclose to the buyer that a sinkhole claim has been paid and whether or not the insurance proceeds were used to repair the sinkhole damage.

Notice of Premium Discounts for Hurricane Loss Mitigation

- Requires insurers to notify applicants and policyholders of the availability and amount of premium discounts and credits for fixtures and construction techniques that reduce the amount of loss in a windstorm.
- Effective October 1, 2005.

Prohibited Cancellation of Coverage

- Prohibits an insurer from canceling or nonrenewing a residential property insurance policy covering a dwelling damaged by a hurricane until 90 days after the dwelling has been repaired, with certain exceptions.
- Prohibits an insurer from canceling coverage for anyone during the duration of a hurricane, until 72 hours after the last hurricane watch or warning is issued anywhere in the state.

Additional Staffing for Insurance Consumer Advocate

- Appropriates \$350,000 from the Insurance Regulatory Trust Fund and four positions to the Office of the Consumer Advocate appointed by the CFO.

Task Force on Long-Term Solutions for Florida's Hurricane Insurance Market

- Creates the Task Force to consider issues relating to the creation and maintenance of insurance capacity in the private sector and public sector which is sufficient to ensure that all property owners in the state are able to obtain appropriate insurance coverage for hurricane losses.
- The Task Force is also charged with studying various issues relating to Citizens Property Insurance Corporation.
- The report and recommendations, including draft legislation, is due by April 1, 2006.
- The Task Force is administratively housed within the office of the CFO and would have 12 members consisting of three members each appointed by the Governor, CFO, the Senate President, and Speaker of the House.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law except as otherwise provided.

CS/SB 1662 – Unauthorized Insurers

By Judiciary; Fasano; Atwater

Tied Bills: None

Iden./Sim Bills: HB 1065 CS

Committee(s) of Reference: Banking and Insurance; Judiciary

Under the Florida Insurance Code, insurance companies operating in Florida are required to obtain a certificate of authority (COA) issued by the Office of Insurance Regulation (OIR). An unauthorized insurer is an entity that does not have a COA to transact insurance business in the state. The law provides specific penalties for entities, or their representatives, that engage in such activities.

The act amends various provisions of Part VIII of chapter 626, F.S., the Unauthorized Insurers Process Law as follows:

- Authorizes OIR and the Department of Financial Services (DFS) to issue an immediate final order against an unauthorized insurer to cease and desist activity that violates the unauthorized entities section.
- Provides legislative findings that an unauthorized entity transacting insurance business constitutes an imminent threat to the health, safety, and welfare of the residents of this state.
- Authorizes OIR to investigate the accounts, records, documents, and transactions pertaining to activities of an unauthorized insurer or person aiding such insurer.
- Clarifies the meaning of the term “independent procurement of coverage” as it relates to an unauthorized entity.
- Requires an unauthorized insurer to obtain a COA or a bond before defending against an enforcement action filed in circuit court by the OIR or DFS.
- Sets a time limit of 30 days after service of process during which an unauthorized entity or its representatives can file a motion to challenge service of process.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

CS/CS/SB 1912 – Insurance Agents and Agencies**By Judiciary; Banking and Insurance; Argenziano****Tied Bills: None****Iden./Sim Bills: HB 591 CS****Committee(s) of Reference: Banking and Insurance; Judiciary; General Government Appropriations**

In Florida, regulation of the insurance industry is shared by the Department of Financial Services (DFS) and the Office of Insurance Regulation (OIR). Generally, OIR is responsible for granting a certificate of authority or license to an insurer; a domestic insurer, i.e., an insurer based in Florida, must possess a certificate of authority in order to conduct business in Florida. The regulation and licensure of insurance agents and agencies is the purview of DFS.

The Division of Agent and Agency Services in DFS administers the insurance laws and rules relating to the licensing qualifications and eligibility of insurance agents, including examination, continuing education, and pre-licensing schools and courses. The division also issues licenses and appointments for all classes of insurance representatives, including maintenance of an internet-based computer application for licensure.

Under the Insurance Code, an insurance agency is defined as a business location at which an individual, firm, partnership, corporation, association, or other entity engages in any activity or employs individuals to engage in any activity which by law may be performed only by a licensed insurance agent. Currently, DFS licenses insurance companies and individual agents who sell insurance policies; however, insurance agencies, which employ agents, and their owners are not licensed.

The act makes the following changes to the Florida Insurance Code:

- Requires DFS to license insurance agencies in a manner similar to the licensure of insurance agents by October 1, 2006, with exceptions;
- Authorizes DFS to require specified information of applicants seeking licensure as an agency; obtain fingerprints of specified owners, partners, officers, and directors; and require additional information to ascertain the trustworthiness and competence of insurance agency applicants;
- Prohibits the use of deceptive agency names;
- Clarifies in the Insurance Code that all licensees of DFS or OIR must make their books, accounts and records available to examiners and investigators for electronic reproduction purposes upon request;
- Repeals the requirement that a primary agent be designated for each agency location;
- Creates law to prohibit the state or its political subdivisions from excluding a licensed agent from participating in a bid or negotiation for an insurance product or plan;
- Creates law to authorize DFS to issue a nonresident title insurance license to a title insurance agent licensed by a state other than Florida; and
- Corrects cross-references and makes other conforming changes.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HB 1939 – Public Records and Public Meetings

By Insurance Committee; Ross and others

Tied Bills: HB 1937 CS; CS/SB 1486

Iden./Sim Bills: CS/CS/SB 1478

Committee(s) of Reference: Governmental Operations; Commerce Council

The bill creates two public records exemptions and one public meetings exemptions relating to hurricane loss data and hurricane modeling. One public records exemption in the bill is for reports of hurricane loss data and associated exposure data specific to a particular insurance company that is reported by the insurer or licensed rating organization to the Office of Insurance Regulation or a type I center at a state university. This exemption will cover an insurer's loss and exposure data required to be reported to create, maintain, and update the public hurricane loss model.

The other public records exemption in the bill is for trade secrets used by insurers in designing and constructing a hurricane loss model. The exemption only applies when the trade secret is disclosed to the Florida Commission on Hurricane Loss Projection Methodology, the Office of Insurance Regulation, or the Insurance Consumer Advocate. The bill makes such trade secrets confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

The bill also creates a public meetings exemption for those portions of meetings of the Florida Commission on Hurricane Loss Projection Methodology or of a rate proceeding on an insurer's rate filing wherein confidential and exempt trade secrets used in designing and constructing a hurricane loss model are discussed.

The bill provides for future review and repeal of the exemptions and provides statements of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is upon the same date that HB 1937 or substantially similar legislation takes effect, which is upon becoming law.

CS/SB 2412 – Viatical Settlements

By Banking and Insurance; Garcia; Fasano

Tied Bills: None

Iden./Sim Bills: HB 1437

Committee(s) of Reference: Banking and Insurance; Judiciary

A viatical settlement agreement typically includes an agreement on the part of the owner of a life insurance policy to sell the policy to another person or entity for less than the expected death benefit payable under the policy. The discounted amount paid to a policyholder is generally based upon the life expectancy of the insured, his or her general health, and other similar considerations.

The purchaser of the viaticated policy, generally referred to as the "viatical settlement provider," may then sell all or a part of the policy to one or more investors; the investors are referred to as "viatical settlement purchasers." The viatical settlement provider then assumes responsibility for the premium payments and upon the death of the insured, receives the full amount of the death benefit from the policy. A viatical settlement provider generally relies upon information and life expectancy data related to the original policyholder provided by a life expectancy provider.

The act states that viatical settlement investments are securities for purposes of regulation under the Florida Securities and Investor Protection Act, chapter 517, F.S. The effect of defining such investments as securities is the requirement that these investments be registered with either the Office of Financial Regulation (OFR) of the Department of Financial Services (DFS) or with the federal Securities and Exchange Commission (SEC). In addition, persons offering such investments must register with OFR and provide full and fair disclosures concerning viatical settlement investments to prospective investors. The bill also requires a viatical settlement provider to be licensed as a life agent under the current authority of DFS.

The act also makes the following changes:

- Defines a viatical settlement investment as an agreement for the purchase, sale, assignment, transfer, devise, or bequest of any legal or equitable interest in a viaticated policy;

- Clarifies that a viatical settlement investment does not include certain financing arrangements that involve large institutional or accredited investors or transfers of viaticated policies pursuant to court orders;
- Provides that a viatical settlement investment is not an exempt security under Florida law and that transactions in viaticated policies are not exempt transactions, unless the sale is to a qualified institutional buyer or accredited investor;
- Defines a “qualified institutional buyer” to mean the same thing provided by a federal rule of the SEC, or any foreign buyer that satisfies the minimum financial requirements of such rule;
- Authorizes the Financial Services Commission to adopt rules governing disclosures to purchasers of viatical settlement investments and recordkeeping requirements for sellers of such investments, among other similar provisions; and
- Requires persons or companies that provide life expectancy data relating to viatical contracts to be registered by OIR, including the provision of specified information and reports.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

CS/CS/SB 2498 – Warranty Associations

By Judiciary; Banking and Insurance; Campbell

Tied Bills: None

Iden./Sim Bills: HB 1545 CS; includes part of CS/SB 2006 and HB 825 CS

Committee(s) of Reference: Banking and Insurance; Judiciary

This bill relates to vehicle protection products sold from January 1, 1998 to April 23, 2002. It eliminates certain financial penalty provisions if the vehicle protection product, contract, or agreement was disclosed to the consumer in writing at the time of purchase in a retail installment contract or lease. If a situation arises where the statutory penalties do not apply, this bill provides that the court shall award actual damages and costs, including reasonable attorney’s fees.

Furthermore, the retroactive application is intended to close the window period from January 1, 1998, to April 23, 2002, when vehicle protection products might have been be classified as “insurance products.”

The bill amends the definition of service warranty in s. 634.401(13), F.S., to include coverage or indemnification for repair, replacement, or maintenance of a consumer product, for failure due to structural or operational defects, for normal wear and tear, and for damage caused by power surges or accidental damage from handling.

The bill provides that maintenance service contracts that cover accidental damage must be covered by the contractual liability policy referred to in s. 634.406(3), F.S.

Subject to the Governor’s veto powers, the effective date of this bill is shall take effect upon becoming a law and the provisions of this act amending s. 634.271, F.S., apply retroactively to January 1, 1998.

Utilities & Telecommunications Committee

CS/CS/SB 620 – Wireless Emergency Telephone System

By Governmental Oversight and Productivity; Communications and Public Utilities; Bennett and others

Tied Bills: None

Iden./Sim Bills: HB 305 CS

Committee(s) of Reference: Communications and Public Utilities; Community Affairs; Governmental Oversight and Productivity; Government Efficiency Appropriations

This bill is a comprehensive revision of the “Wireless Emergency Communication Act,” which governs construction, placement, and modification of wireless communications equipment, including the collocation of equipment on existing structures and towers. The bill modifies existing provisions governing the collocation of wireless facilities and categorizes collocations into three types: 1) collocations on existing towers, including nonconforming towers, which meet specified conditions; 2) collocation on existing structures other than existing towers, including nonconforming structures, which meet specified conditions; and 3) all other collocations.

Collocations of the first two types are subject only to building permit review and are not subject to any land development regulations that are more restrictive than those in effect at the time of the initial antennae placement, or to any other portion of land development regulations, or to public hearing, or public input review. If a collocation does not meet certain requirements specified in the bill, a local government may review the collocation application under the local government’s regulations, including land development regulations. The owner of an existing tower is responsible for complying with land development requirements that were effective when the tower was initially permitted. Existing towers, including nonconforming towers, under certain conditions, may be modified to allow collocation or may be replaced through no more than administrative review, with no public hearing review.

In reviewing an application for the construction, placement, or modification of a wireless communications facility, local governments may not require information on or evaluate a provider’s designed service unless the information is directly related to an identified land development issue or a zoning issue, or unless the provider volunteers the information. Setback or distance separation required for a tower may not exceed the minimum distance necessary, as defined by the local government, to satisfy the structural safety or aesthetic concerns that are being protected by the distance separation. The bill provides for placement of wireless communications facilities in residential areas or zoning districts; however, the bill allows a local government to exclude placement of facilities in residential areas only in a manner that does not constitute an actual and effective prohibition of the provider’s service in that area.

The bill also: 1) requires the Auditor General to annually audit the Wireless Emergency Telephone System Fund through Fiscal Year 2008-2009; 2) requires counties to establish a separate fund for monies received from E911 fee revenues; 3) allows the Wireless 911 Board to use certain E911 fee revenues to provide grants and loans to certain counties; 4) allows the Wireless E911 Board to hire an executive director and an

independent private counsel; 5) authorizes local governments to charge reasonable collocation application review fees; revises procedures regarding submission of applications and the timeframes for local government review; and, 6) requires expedited judicial consideration of appeals regarding the regulation of wireless communications facilities.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

**CS/SB 1244 – Tax/Gross Receipts for Utility Services
By Government Efficiency Appropriations; Alexander**

Tied Bills: None

Iden./Sim Bills: HB 433 CS

**Committee(s) of Reference: Government Efficiency Appropriations;
Communications and Public Utilities; Commerce and Consumer Services; Ways
and Means**

CS/SB 1244 substantially amends ss. 203.01 and 203.012, F.S. The bill imposes gross tax on all utility services delivered to in-state retail consumers. Broadened by the bill are the definitions for "utility services" and "distribution companies." The definition of "utility services" includes transportation, delivery, transmission, and distribution of electricity, and natural or manufactured gas. "Distribution company" means any person owning or operating local electric or natural or manufactured gas utility distribution facilities within this state for the transmission, delivery, and sale of electricity or natural or manufactured gas. The bill creates an exclusion from the tax on natural or manufactured gas for certain industries.

This committee substitute provides forgiveness, or amnesty, for unpaid gross receipts tax, penalties, and interest which may be due on the sale or transportation of natural gas for consumption in this state if the sales were made prior to January 1, 2006, and:

- the sales were by persons not regulated by ch. 366, F.S., which regulates public utilities;
- the sales agreement provided for transfer of title to the gas outside of Florida; or
- the sales were for transportation services associated with the sales of gas.

Forgiveness is limited to sellers that register with the Department of Revenue (if they are required to register) and apply for amnesty by January 1, 2006.

Rulemaking authority is granted to the DOR to implement the provisions of the bill.

The bill has a positive fiscal impact on state government.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2006, except as otherwise provided.

CS/CS/SB 1322 – Regulation of Communication

**By Governmental Oversight and Productivity; Communications and Public
Utilities**

Tied Bills: None

Iden./Sim Bills: HB 1649 CS, CS/CS/CS/SB 2068, CS/CS/SB 2232, HB 1325 CS,

CS/CS/SB 2072, SB 1714, includes parts of HB 505 CS, CS/CS/SB 1296**Committee(s) of Reference: Communications and Public Utilities; Governmental Oversight and Productivity; Commerce Council**

The bill contains several provisions regarding the Public Service Commission (PSC) and the telecommunications industry. First, the bill amends ch. 350, F.S. relating to the Public Service Commission. This section:

- Creates the standing joint legislative Committee on Public Service Commission Oversight (Committee);
- Provides that the Committee is to receive a list of six nominees for a PSC vacancy from the Public Service Commission Nominating Council;
- Provides that the Committee selects three nominees per vacancy to recommend to the Governor for appointment
- Revises the nominating procedures to reflect this change;
- Provides for the application of the gift prohibition statute to commissioner attendance at conferences and associated meals and events;
- Clarifies the prohibition of a commissioner accepting gifts or being involved in ex parte communications
- Requires a penalty be imposed against any who gives a prohibited gift or is involved in ex parte communication with a commissioner; if the Commission on Ethics determines that a person violated the prohibitions that person may not appear before the PSC or otherwise represent anyone before the PSC for a period of two years;
- Requires that commissioners avoid impropriety and act in a manner that promotes public confidence in the integrity and impartiality of the PSC;
- Codifies the independence of the Public Counsel; and
- Authorizes the Public Service Commission Nominating Council to spend a nominal amount to advertise vacancies on the Council.

CS/CS/SB 1322 also restricts the ability of a governmental entity to provide specified communications services. If a local government is providing a communications service on the effective date of the bill, it is permitted to continue, subject to limitations. Additionally, a governmental entity may begin providing communication services if it complies with requirements set out in the bill, including allowing private providers an opportunity to provide the service, hold at least two public hearings, and develop a written business plan. Moreover, the bill sets out requirements a government entity must meet if it provides a communications service.

The bill amends various paragraphs of s. 202.19, F.S., regarding the communications services tax. It specifies that, retroactive to October 1, 2001, the local communications services tax authorized under s. 202.19, F.S., includes “and is in lieu of . . . application fees, transfer fees, renewal fees, or claims for related costs” that a local taxing jurisdiction may impose upon dealers of communications services for the right to use or occupy public roads or rights-of-way. This section also provides that revenue distributed to a local government pursuant to s. 202.18, F.S., may be used for any public purpose, including pledging such revenues for the repayment of bonded indebtedness.

Various sections of ch. 364, F.S., are amended by the relating to telecommunications. The bill revises legislative intent relating to the PSC’s jurisdiction for competition and

consumer protection. It provides that except to the extent delineated in ch. 364, F.S., or specifically by federal law, nonbasic telephone services, broadband services, voice-over-Internet-protocol (VoIP), and wireless telecommunications are exempt from the PSC jurisdiction.

In order to promote and maintain consistency with federal law and policies, the PSC is required by the bill to maintain continuous liaisons with appropriate federal agencies and it encourages the PSC to participate in federal proceedings in which the state's consumers may be affected. It does not limit or modify the duties of local exchange carriers (LEC) to provide unbundled network elements or the PSC's authority under federal law to arbitrate or approve interconnection agreements.

The bill provides definitions for "broadband service" and "VoIP" and provides that broadband service and VoIP service, regardless of the platform or provider, are free of regulation except as delineated in ch. 364, F.S., or authorized by federal law.

The bill amends s. 364.10, F.S., relating to Lifeline telecommunications service for low-income consumers. It expands the provisions of Lifeline Assistance to companies that request, and are granted eligible telecommunications carrier (ETC) status. The bill further provides that an ETC may not discontinue basic local telephone service to a consumer who receives Lifeline due to nonpayment of other charges billed by the carrier. It requires an ETC to offer consumers receiving Lifeline service, without charge to the customer, the option to block all toll calls, or if technically capable, place a limit on the amount of toll calls a customer can make. Additionally, it allows an ETC to block a Lifeline participant's access to all long-distance services when the participant owes an outstanding amount for long-distance service. The ETC must remove the block without additional cost to the participant upon payment of the outstanding amount. The bill increases the income eligibility threshold for Lifeline service from 125 percent to 135 percent of the federal poverty income guideline.

The bill allows the PSC to change the maximum application fee for a certificate to provide telecommunications service from \$250 to \$500. It also allows the PSC to assess a minimum regulatory assessment fee of up to \$1,000 and that the minimum fee may be different depending on the type of service being provided.

The bill repeals s. 364.502, F.S., relating to video programming.

The bill adds language to the "changed circumstances" provision of s. 364.051(4), F.S., to state that damage incurred to a LEC's facilities from a named tropical system occurring after June 1, 2005, is considered changed circumstances. As a result, a LEC may petition the PSC for a separate line item to be added on consumer's bills up to 50 cents per month for a 12-month period in order to recover these damage expenses. The bill provides for a minimum amount of damage to be incurred before a petition can be filed and limits a company to one petition per storm season.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/CS/SB 1366 – Storm Infrastructure Recovery

By Transportation and Economic Development Appropriations; Government Efficiency Appropriations; Communications and Public Utilities; Constantine; Dockery

Tied Bills: None

Iden./Sim Bills: HB 303 CS

Committee(s) of Reference: Communications and Public Utilities; Judiciary; Government Efficiency Appropriations; Transportation and Economic Development Appropriations

The bill creates s. 366.8260, F.S., providing the Public Service Commission (PSC) with another cost recovery method. This method, securitization, applies to cost recovery related to named tropical storms or hurricanes occurring during calendar year 2004 or thereafter. Securitization is defined as the “creation of a financial security that is backed by a revenue stream that is pledged to pay the principal and interest of that security. Securitization requires the creation of a transferable property right to collect from the utility’s ratepayers a ‘nonbypassable’ obligation.”

The bill allows an electric utility to petition the PSC for a financing order to recover the costs of restoring electric service, as a result of storm damage, including replenishment of the storm-recovery reserve fund, and costs incurred beyond the storm-recovery reserve fund’s balance. The PSC will determine the amount of storm-recovery costs that may be recovered through securitization. The PSC has the authority to review the amount recovered through the storm-recovery charge and make the appropriate adjustments to that charge.

The state pledges that it will not take certain actions including any action that impairs or would impair storm-recovery property. These bonds issued that are associated with securitization do not create a public debt, nor do they require an appropriation from the state. The bill adds the specific language that is necessary to meet the securitization criteria such as the creation of a property right, and the creation of a revenue stream to recover the costs.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

HOUSE OF REPRESENTATIVES

Education Council

Representative Dennis K. Baxley, Chair

Representative Rafael Arza, Vice Chair

2005 SUMMARY OF PASSED LEGISLATION



Choice & Innovation Committee

Representative John K. Stargel, Chair

Representative Bill Galvano, Vice Chair

Colleges & Universities Committee

Representative David J. Mealor, Chair

Representative Larry Cretul, Vice Chair

Community Colleges & Workforce Committee

Representative Pat Patterson, Chair

Representative Edward L. "Ed" Jennings, Vice Chair

PreK-12 Committee

Representative Rafael Arza, Chair

Representative Joe Pickens, Vice Chair

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Choice & Innovation Committee

HB 579 – Acceleration Mechanisms

By Proctor and others

Tied Bills: None

Iden./Sim Bills: CS/SB 664; includes part of HCB 6005

Committee(s) of Reference: Choice & Innovation; Education Appropriations; Education Council

HB 579 focuses on acceleration mechanisms for secondary school students and modifies provisions relating to the Advanced International Certificate of Education (AICE) Program, the International General Certificate of Secondary Education (pre-AICE) Program, and dual enrollment.

Both the AICE and pre-AICE programs are administered by Cambridge International Examinations, a part of the University of Cambridge. The AICE and pre-AICE programs are similar in nature to the International Baccalaureate and pre-International Baccalaureate programs in that they are designed to provide opportunities for rigorous academic coursework for high school students. Dual enrollment is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward a career certificate or an associate or baccalaureate degree. The bill:

- Recognizes the AICE and pre-AICE programs as acceleration mechanisms and updates the necessary statutory references,
- Modifies Bright Futures Scholarship eligibility to treat AICE and pre-AICE courses similarly to IB and pre-IB courses,
- Addresses the instruction time required to generate an FTE in dual enrollment classes for FEFP funding, and
- Clarifies that an independent college or university does not need to use the statewide course numbering system to participate in dual enrollment.

The provisions of HB 579 related to dual enrollment were also included in HCB 6005.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1099 – Assistive Technology Advisory Council

By Justice

Tied Bills: None

Iden./Sim Bills: CS/SB 1704

Committee(s) of Reference: Choice & Innovation; Education Council

HB 1099 revises Florida's Assistive Technology Advisory Council (Council) to comport with newly enacted requirements in the Assistive Technology Act of 2004, specifically the establishment of the Advisory Council.

This bill provides for membership of the Council, revises the Council members' terms of service, and revises the duties of the Council. The bill establishes the public policy and advocacy committee which is designed to review federal and state legislation and agency policies and practices and to identify facilitators of and barriers to access and utilization of assistive technology services, devices, and funding sources.

In accordance with Federal law, this bill requires the Council to do the following:

- Investigate finance options to increase access to and funding for assistive technology devices and services.
- Develop assistive technology demonstrations, reutilization programs, and loan programs.
- Provide training and technical assistance to increase knowledge and awareness of the uses and benefits of assistive technology devices and services.
- Promote public awareness activities designed to provide information relating to the benefits of assistive technology devices and services.
- Promote coordination and collaboration among public and private entities that are responsible for policies, procedures, or funding for the provision of assistive technology devices and services.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

Colleges & Universities Committee

CS/SB 658 – University of South Florida St. Petersburg

By Education Appropriations; Sebesta; Wilson

Tied Bills: None

Iden./Sim Bills: HB 917 CS

Committee(s) of Reference: Education; Education Appropriations

The bill authorizes the Campus Board of USF-St. Petersburg to forward a proposal to the USF Board of Trustees to establish a student-center-support fee.

The bill requires that the total of the activity and service, health, athletic, and student-center-support fees that a student is required to pay to register for a course at USF-St. Petersburg cannot exceed a cap of 40% of tuition. However, the student-center-support fee would not be subject to the 5% cap on the annual rate of increase that is imposed on the three other fees. The bill provides procedures for recommendation and approval of the fee, and specifies that revenues from the fee may be used to retire bonds or other forms of indebtedness issued or procured for the purpose of planning, constructing, equipping, and operating the student center facility. The amount of the fee will not be included in the calculation of Bright Futures scholarship award amounts.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 885 – Regional Autism Centers

By Goldstein and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1716

Committee(s) of Reference: Colleges & Universities; Elder & Long Term Care; Education Appropriations; Education Council

The bill increases the number of regional autism centers from six to seven and requires service delivery to be consistent for all Centers for Autism & Related Disabilities (CARD).

The bill transfers the service areas of Indian River, Martin, Okeechobee, St. Lucie, and Palm Beach Counties to the new CARD housed within the Department of Exceptional Student Education at Florida Atlantic University. The current CARD at the University of Miami is expanded to include the Department of Psychology at that institution.

The constituency board for each CARD is encouraged to raise funds equivalent to 2 percent of the total funds allocated to that center in each fiscal year.

The bill also prohibits direct medical intervention or pharmaceutical intervention in any CARD on or after July 1, 2008.

Specific Appropriation 96 of the General Appropriations Act for 2005-2006 provides \$5,575,000 for the CARD centers.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 1089 – Independent Postsecondary Education

By Greenstein

Tied Bills: HB 1091

Iden./Sim Bills: SB 1250; CS/CS/SB 1272

Committee(s) of Reference: Colleges & Universities; Education Appropriations; Education Council

Current law requires certain private postsecondary institutions to be licensed by the Commission for Independent Education (commission) in order to operate in the State of Florida. Currently, there are approximately 850 licensed institutions in the state.

The bill revises provisions relating to the licensure process; categorizes certain acts relating to the establishment and operation of independent postsecondary institutions as third degree felonies or second degree misdemeanors; revises procedures with regard to disciplinary proceedings and provides for imposition of fines for institutions that fail to comply with licensure standards or violate laws or rules of the commission; authorizes the commission to issue citations for certain violations; and revises provisions relating to the Institutional Assessment Trust Fund.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1091 – Public Records and Public Meetings Exemptions for Investigations by the Commission for Independent Education

By Greenstein

Tied Bills: HB 1089

Iden./Sim Bills: CS/CS/SB 1272; SB 1250

Committee(s) of Reference: Colleges & Universities; Governmental Operations; Education Council

Current law authorizes the Commission for Independent Education (commission) to conduct disciplinary proceedings through an investigation of any suspected violation of Chapter 1005, F.S., or rule of the commission, including a finding of probable cause. It also authorizes the commission to make reports to any law enforcement agency or regulatory agency. While other regulatory entities have public records and public meetings exemptions relating to investigatory proceedings, the commission does not.

The bill creates a public records exemption for all investigatory records held by the commission in conjunction with the investigations it conducts, including minutes and findings of an exempt probable cause panel meeting. The exemption expires 10 days after the panel makes a determination regarding probable cause. It also creates a public meetings exemption for those portions of meetings of the probable cause panel wherein exempt information is discussed. The bill provides a statement of public necessity, provides for future review and repeal of the exemptions, and provides a contingent effective date.

Subject to the Governor's veto powers, the effective date of this bill is on the same date that HB 1089 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extensive thereof and becomes law.

CS/CS/SB 2236 – Tuition Rates/State Universities

By Education Appropriations; Education; Constantine; Campbell

Tied Bills: None

Iden./Sim Bills: HB 119 CS; HCB 6005; CS/CS/SB 2264

Committee(s) of Reference: Education; Government Efficiency Appropriations; Education Appropriations

The bill enacts an excess credit hour policy that requires the payment of 75% over the in-state tuition rate for a student who takes more than 120% of the credit hours required for his or her associate or baccalaureate degree requirement, regardless of whether those hours were taken while enrolled at a community college, a state university, or any private postsecondary institution if the student received state funds while enrolled at the private postsecondary institution. However, a student who has earned an associate degree is exempt from paying the full cost for a maximum of 24 credit hours taken while enrolled at a community college which apply to the student's baccalaureate degree.

The bill also provides for an exemption of certain credit hours from being calculated as hours required to earn a baccalaureate degree and requires postsecondary institutions to implement student notification policies regarding the excess hour policy.

The excess hour policy applies to freshmen who enroll in a state university or community college in fall 2005 and thereafter.

The bill also provides that the Legislature has the responsibility to establish tuition and fees. However, the bill provides flexibility to university board of trustees for setting graduate, graduate professional, and nonresident student tuition and fees. The bill requires that at least 20% of the amount raised pursuant to this flexibility must be allocated by each university to need-based financial aid for students. For graduate, graduate professional, and nonresident students who enrolled prior to 2005, the annual percentage increase in tuition and fees must not exceed the annual percentage increase approved by the Legislature for resident undergraduate students.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/CS/SB 2264 – Students/Instructional Costs

By Education Appropriations; Education; Atwater

Tied Bills: None

Iden./Sim Bills: HB 119 CS; HCB 6005; CS/CS/SB 2236

Committee(s) of Reference: Education; Children and Families; Education Appropriations

The bill revises provisions relating to the determination of a student's residency status for tuition purposes and ties determination of residency to initial enrollment in an institution of higher education. An individual must reside in-state for 12 consecutive months immediately prior to initial enrollment in an institution of higher education. The bill also provides for reclassification under certain conditions.

The bill expands the definition of "dependent child" to require that the person receive at least 51 percent of the true cost-of-living expenses from his or her parent. The bill also requires documentation of dependency status.

The bill requires institutions of higher education to confirm dependency status and to determine whether or not an applicant meets residency requirements at the time of initial enrollment.

The bill also provides that the Legislature has the responsibility to establish tuition and fees. However, the bill provides flexibility to university board of trustees for setting graduate, graduate professional, and nonresident student tuition and fees. The bill requires that at least 20 percent of the amount raised pursuant to this flexibility must be allocated by each university to need-based financial aid for students. For graduate, graduate professional, and nonresident students who enrolled prior to 2005, the annual percentage increase in tuition and fees must not exceed the annual percentage increase approved by the Legislature for resident undergraduate students.

The bill clarifies that financial aid eligibility requirements relating to residency also include tuition assistance grant programs. The bill also prohibits a student enrolled at a private postsecondary institution from receiving more than one state tuition assistance grant during a single semester.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

Community Colleges & Workforce Committee

SB 670 – Community Colleges

By Jones; Wilson

Tied Bills: None

Iden./Sim Bills: HB 935

Committee(s) of Reference: Education; Education Appropriations

SB 670 authorizes Community Colleges Board of Trustees to increase the fee for capital improvements, technology enhancements, or equipping student buildings. The bill allows an increase of up to 10 percent of tuition for resident students and 10 percent of the sum of tuition and out-of-state fees for nonresident students. The fee for resident students is limited to an increase of \$2 per credit hour over the prior year.

SB 670 also changes the amount of the capital improvement fee that may be allocated for child care centers operated by community colleges. A maximum of 15 percent of the capital improvement fee revenue may be allocated to such child care centers. The use of these funds for child care centers is made subordinate to the payment of any bonds secured by the fees.

SB 670 revises provisions relating to the bonding of capital improvement fee revenues. It requires all community colleges to use the Division of Bond Finance of the State Board of Administration to issue any bond authorized to be financed from the community college capital improvement fee revenues. A limit of seven years is placed on how long the fee may be pledged as a dedicated revenue source for repayment of debt, including lease-purchase agreements; this restriction applies to the original term, renewals, extensions, and refundings. The length of time for which a revenue bond may be issued is changed from 20 years to 20 annual maturities. The Division of Bond Finance may pledge fees collected by one or more community colleges to secure the bonds. The bill designates projects included in the educational plant survey as approved for revenue bond funding. The bill provides for a covenant with the holders of the capital improvement fee revenue bonds and for validation of the bonds.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

PreK-12 Committee

HB 209 – Administration of Medication to Public School Students

By Barreiro and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1090; CS/CS/SB 1766

Committee(s) of Reference: PreK-12; Health Care Regulation; Education Council

House Bill 209 defines psychotropic medication and prohibits recipients of state funds from requiring a student to be prescribed or administered psychotropic medication as a condition of receiving educational or school-based services. Such services include, but are not limited to, school enrollment, class attendance, extracurricular activity participation, or school-related event attendance. The bill provides requirements for the administration of psychotropic medication. Prior to the evaluation of a student for any specified mental disorder, the bill requires that parents must be notified that behaviors could be the result of underlying physical conditions, that the parent should consider consulting a medical doctor to rule out physical causes, that the parent has the right to decline the evaluation, and that the evaluation and subsequent classification could be documented.

A similar provision was enacted as section 6 of SB 1090.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 227 – Children's Summer Nutrition Programs

By Greenstein and others

Tied Bills: None

Iden./Sim Bills: SB 752

Committee(s) of Reference: PreK-12; Future of Florida Families; Education Appropriations; Education Council

House Bill 227 creates the Ms. Willie Ann Glenn Act, requiring each district school board to develop a plan to sponsor a summer nutrition program. School boards may exempt themselves from sponsoring the program and instead may encourage not-for-profit entities to sponsor a summer nutrition program. The program may be implemented in collaboration with municipal and county governmental agencies and private, not-for-profit organizations, and any not-for-profit entity may serve as a nutrition site or sponsor. The bill requires the Department of Education to annually provide each district with a list of local organizations that intend to participate in the summer nutrition program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 279 – Student and Parent Rights

By Grimsley and others

Tied Bills: None

Iden./Sim Bills: CS/SB 890

Committee(s) of Reference: PreK-12; Health Care General; Civil Justice; Education Council

House Bill 279 creates the Kelsey Ryan Act to authorize severely allergic K-12 students to carry and self-administer epinephrine by auto-injector on school grounds and while on school trips, with parental and physician authorization. The State Board of Education, in cooperation with the Department of Health, is given rule-making authority related to epinephrine auto-injector use to protect the safety of all students. The bill provides that parents of students authorized to use epinephrine auto-injectors must indemnify the school district, county health department, public-private partners, and their employees and volunteers from liability related to the use of the auto-injectors.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2006.

HB 281 – Paperwork Reduction in the School Districts

By Sansom and others

Tied Bills: None

Iden./Sim Bills: SB 784

Committee(s) of Reference: PreK-12; Education Appropriations; Education Council

House Bill 281 establishes a Paper Reduction Task Force to make recommendations to minimize the paperwork burden placed on school districts and school personnel. The bill specifies the membership of the task force and requires a report to the Legislature by February 1, 2006. Upon transmitting the report, the task force is abolished.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 1695 – Public Records Exemption for the Voluntary Prekindergarten Education Program

By PreK-12; Arza and others

Tied Bills: None

Iden./Sim Bills: CS/SB 2220

Committee(s) of Reference: Governmental Operations; Education Council

House Bill 1695 creates a public records exemption for the individual records of a child enrolled in the Voluntary Prekindergarten (VPK) Education Program. Records made confidential and exempt include the assessment data, health data, records of teacher observations, and personal identifying information of an enrolled child and his or her parent. The exemption applies to records held by an early learning coalition, the Agency for Workforce Innovation, or a VPK Education Program provider before, on, or after the effective date of the exemption.

The bill provides a parent the right to inspect, review, and obtain a copy of the individual VPK Education Program record of his or her child. The bill allows the release of confidential and exempt records for certain purposes to specified parties. The receiving party is required to protect the records in a manner that does not permit the identification of an enrolled child or his or her parent by persons not authorized to receive the records.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HOUSE OF REPRESENTATIVES

Fiscal Council

Representative Joe Negron, Chair
Representative Frederick C. "Fred" Brummer,
Vice Chair

2005 SUMMARY OF PASSED LEGISLATION



Fiscal Council

Representative Joe Negron, Chair
Representative Frederick C. "Fred" Brummer, Vice Chair

Education Appropriations Committee

Representative Joe Pickens, Chair
Representative David Rivera, Vice Chair

Finance & Tax Committee

Representative Frederick C. "Fred" Brummer, Chair
Representative John K. Stargel, Vice Chair

Health Care Appropriations Committee

Representative Aaron P. Bean, Chair
Representative Dave Murzin, Vice Chair

Justice Appropriations Committee

Representative Gustavo A. Barreiro, Chair
Representative John P. "Jack" Seiler, Vice Chair

State Administration Appropriations Committee

Representative Kim Berfield, Chair
Representative Baxter G. Troutman, Vice Chair

Transportation & Economic Development Committee

Representative Don Davis, Chair
Representative Marcelo Llorente, Vice Chair

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Fiscal Council

CS/SB 388 – Student Financial Aid

By Education Appropriations; Alexander

Tied Bills: None

Iden./Sim Bills: HB 1891

Committee(s) of Reference: Education Appropriations; Ways and Means

The bill permits regional consortium service organizations to receive an incentive grant award of \$50,000 per eligible member. Presently, the grant amount per district is \$25,000. Membership in regional consortiums is expanded to include the School for the Deaf and Blind. Membership for laboratory school eligibility is clarified. The bill makes technical changes to deposit requirements of certain trust funds.

The bill modifies the Voluntary Universal Pre-Kindergarten program to clarify the enrollment recalculation process during the fiscal year and allows three smaller Early Learning Coalitions to remain coalitions by providing an exemption from the current 30 coalition limit. The bill amends language to allow school boards that currently levy a school capital outlay surtax, the discretion to increase the .25 discretionary millage to generate an additional \$50 per student. The bill revises the wealth adjustment component of the sparsity supplement calculation within the Florida Education Finance Program (FEFP), which is the K-12 public school funding formula. The bill removes from statute the BEST Florida Teaching salary career ladder program and performance based funding requirements for the State Board of Education.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 394 – Enforcement of Farm Labor Laws

By General Government Appropriations; Clary

Tied Bills: None

Iden./Sim Bills: HB 1909

Committee(s) of Reference: General Government Appropriations; Ways and Means

This bill amends s. 450.38, F.S., adding the provision that moneys for the enforcement of farm labor laws shall be transferred to the Professional Regulation Trust Fund in the Department of Business and Professional Regulation from the Workers' Compensation Administration Trust Fund in the Department of Financial Services. The bill also provides that, in addition to the purpose stated in s. 440.50(1)(a), F.S., funds in the Workers' Compensation Administration Trust Fund in the Department of Financial Services may be used for the enforcement of farm labor laws by the Department of Business and Professional Regulation.

The bill allows the Legislature to reduce \$687,795 in recurring General Revenue for Fiscal Year 2005-2006 by authorizing the use of the Workers' Compensation Administration Trust Fund for the enforcement responsibilities provided in s. 450.38, F.S., for farm labor laws.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 400 – Procurement/Commodities/Contracts

By General Government Appropriations; Clary

Tied Bills: None

Iden./Sim Bills: HB 1911

Committee(s) of Reference: General Government Appropriations; Ways and Means

The bill directs the Department of Management Services to collect and deposit all fees charged for use of the MyFloridaMarketPlace on-line procurement system into the Grants and Donations Trust Fund.

The bill allows the department to contract with a vendor to provide the on-line services. However, the bill stipulates that the provider will be compensated only after the department has been compensated. The provider is required to produce a monthly report of the transaction data for use by the department in collecting fees from vendors. Vendors who are 40 days late in paying their transactions fees will be assessed interest charges on the late payment.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/CS/SB 404 – Health Care

By Ways and Means; Health and Human Services Appropriations; Saunders

Tied Bills: None

Iden./Sim Bills: HB 1893

Committee(s) of Reference: Health and Human Services Appropriations; Ways and Means

CS/CS/SB 404 modifies several provisions of the Florida Medicaid Program. The bill amends s. 400.23, F.S., to delay nursing home staffing increases for 2.9 hours of direct care per resident, per day, until July 1, 2006; s. 409.903, F.S., to continue coverage for pregnant women below 185 percent of federal poverty level; s. 409.904, F.S., to continue services to Medically Needy recipients and eliminate eligibility for Medicare-eligible, non-institutionalized individuals effective January 1, 2006; s. 409.906, F.S., to continue providing adult denture benefits; s. 409.9065, F.S.; to repeal the Ron Silver Senior Drug Program; ss. 409.911, 409.9112, 409.9113 and 409.9117, F.S., to revise the method for calculating disproportionate share payments to hospitals; s. 409.9115, F.S., to revise the duties of the Medicaid Pharmaceutical and Therapeutics Committee with respect to developing a modified preferred drug list, including removing the exemption for behavioral health drugs; s. 409.912, F.S., to authorize the implementation of a program of all-inclusive care for certain children; s. 409.9124, F.S., to revise managed care rate setting methodology; and s. 409.9122, F.S., to revise a provision governing assignment to a managed care option in Miami-Dade County for behavioral health services. In addition, the bill amends ss. 393.0661, 409.907, 409.908 and 409.9082, F.S., to revise the Medicaid rate setting process and provider agreements.

The bill amends ss. 430.041 and 408.034, F.S., to eliminate the Office of Long Term Care Policy; s. 430.502, F.S., to establish a memory disorder clinic at Florida Atlantic

University; and s. 21, Ch. 2004-270, L.O.F., to provide criteria for the clientele to be served in the PACE programs in Lee and Martin counties.

Finally, the bill amends s. 440.02, F.S., to specify that Medicaid recipients served by an adult day training program in the Family and Supported Living Waiver are not employees for the purpose of workers compensation.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 408 – Economic Eligibility Services

By Health and Human Services Appropriations; Saunders

Tied Bills: None

Iden./Sim Bills: HB 1895

Committee(s) of Reference: Health and Human Services Appropriations; Ways and Means

CS/SB 408 modifies several aspects of the state's economic self-sufficiency program, amending ss. 414.095, 414.105 and 414.32, F.S., and repealing s. 114 of Ch. 2004-267, L.O.F. These modifications to existing law address the eligibility requirement for the receipt of cash assistance by a minor child; eliminate provisions regarding eligibility of stepparents; standardize the time limits for temporary cash assistance with a 48-month lifetime limit and limited hardship extensions; and delete restrictions regarding receipt of food stamps when an individual is delinquent in child support payment. The repeal of s. 114 of Ch. 2004-267, L.O.F., which contains requirements relating to the provision of eligibility determination functions by the Department of Children and Family Services, eliminates contracting provisions that are unique to the department.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 410 – Health Department

By Health and Human Services Appropriations; Saunders

Tied Bills: None

Iden./Sim Bills: HB 1897

Committee(s) of Reference: Health and Human Services Appropriations; Ways and Means

CS/SB 410 amends ss. 456.013 and 456.025, F.S., to eliminate the issuance of wall certificates to new health care licensees, thus, reducing board costs. The bill also specifies that licenses issued in error, as well as revoked, must be surrendered to the Department of Health.

The bill amends s. 456.017, F.S., to specify that neither a board nor the department may administer a state-developed written examination if a national examination has been certified by the department. The bill also limits challenges to the validity of the examination to those candidates who fail the examination with a score that is less than ten percent below the minimum scored required to pass the examination. Finally, the bill permits the department to post examination scores on the Internet in lieu of mailing the scores to each applicant. The bill specifies that electronic posting of exam scores meets the requirements of Chapter 120, if the department also posts a notification of Chapter 120 along with the exam scores. The department must also notify the applicant when

scores are posted electronically of the availability of a post-examination review, if applicable.

The bill amends s. 456.036, F.S., to provide a retired licensure status and a retired status fee not to exceed \$50, as established by rule. The bill also authorizes the department to establish by rule conditions, including full re-examination to assess current competency, necessary to ensure that a licensee who has been on retired status for more than five years, or a licensee from another state who has not been in active practice within the past five years, and who applies for active status is able to practice with the care and skill sufficient to protect, the health, safety and welfare of the public. The bill also requires that a retired status licensee, before reactivation, must meet the same continuing education requirements and pay any renewal fees imposed on active status licensees for all biennial periods in which the licensee was in retired status.

The bill amends ss. 464.201 and 464.202, F.S., to define the scope of practice of certified nursing assistants and provides the Board of Nursing rulemaking authority regarding the regulation of the practice of certified nursing assistants and the level of supervision required for the practice. The bill also amends s. 464.203, F.S., which requires the certification as a nursing assistant to be renewed and authorizes a renewal fee not to exceed \$50 biennially. Any certificate not renewed by July 1, 2006, is void. The bill reduces the number of hours required for in-service training from 18 to 12 hours for certified nursing assistants during each calendar year.

Finally, the bill amends s. 456.041, F.S., to include on physician profiles information relating to liability and disciplinary actions obtained as a result of a search of the National Practitioner Data Bank.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 424 – Employee Benefits
By Ways and Means; Carlton
Tied Bills: None
Iden./Sim Bills: HB 1913
Committee(s) of Reference: Ways and Means

The bill directs the Department of Management Services to offer four health insurance plans for state employees for the 2006 calendar year.

The bill authorizes the Department of Management Services to establish health savings accounts on behalf of state employees for calendar year 2006. In order to implement the health savings plan, the department may contract with a single custodian to provide trustee services.

The bill also establishes the pharmacy co-payments and coinsurance for two of the health insurance plans. The pharmacy benefits of the health maintenance organization offerings are governed by the contract.

The bill resolves the collective bargaining issues at impasse between the State of Florida and the representatives of the employee collective bargaining units for Fiscal Year 2005-2006.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 1889 – Distribution of Proceeds from the Excise Tax on Documents

By Fiscal Council; Negron

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1110

Committee(s) of Reference: None

HB 1889 provides limits on the amounts distributed from documentary stamp tax collections to the following trust funds: Land Acquisition Trust Fund, Water Management Lands Trust Fund, Invasive Plant Control Trust Fund, State Game Trust Fund, State Housing Trust Fund and Local Government Housing Trust Fund. Amounts in excess of the limits will be transferred to the General Revenue Fund. The limits take effect on July 1, 2007.

For Fiscal Year 2005-06, HB 1889 appropriates \$250 million from documentary stamp tax collections to fund the recommendations of the Hurricane Housing Workgroup. The bill specifies that \$208 million is to be allocated as recommended by the Hurricane Housing Workgroup Recommendations to assist in Florida's Long Term Housing Recovery Efforts, dated February 16, 2005. These funds will be targeted to the counties most affected by the 2004 hurricanes. The remaining \$42 million is to be used for the Rental Recovery Loan Program recommended by the Hurricane Housing Workgroup.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007, except as otherwise provided.

HB 1907 – FRS/Payroll Contribution Rates

By Fiscal Council; Negron

Tied Bills: None

Iden./Sim Bills: CS/SB 1152

Committee(s) of Reference: None

This bill revises the payroll contribution rates for the membership classes of the Florida Retirement System (FRS) for state fiscal years effective July 1, 2005, and July 1, 2006. The bill also increases the employer contribution rates into the Institute of Food and Agricultural Sciences Supplemental Retirement Trust Fund for Fiscal Years 2005-2006 and 2006-2007. The bill states that this increase serves an important state interest.

In addition, the bill decreases the basis points for transfers to the State Board of Administration's Administrative Trust Fund.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

Education Appropriations Committee

HB 1001 – Governance of the State University System

By Goodlette and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1920; SB 1858

Committee(s) of Reference: Education Appropriations; Fiscal Council

HB 1001 clarifies the lines of authority and constitutional duties of the Board of Governors and the Legislature with regard to the State University System. The bill expresses legislative findings that the powers of the Legislature in section 1 of Article IX of the State Constitution and the powers of the Board of Governors in section 7 of Article IX of the State Constitution must and can be defined in harmony to give each entity its full measure of constitutional responsibility. The bill clarifies the constitutional governance structure of the State University System by assigning management powers to the Board of Governors, while reserving fiscal and other constitutionally required legislative powers for the Legislature.

The bill also prohibits any member of the statewide Board of Governors of the State University System, and any member of a state university board of trustees, from having any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to s. 11.045, F.S.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 1678 – Public School Class Size

By Alexander

Tied Bills: None

Iden./Sim Bills: HB 903 CS

Committee(s) of Reference: Education; Education Appropriations

The bill authorizes, beginning in 2005-06, growth in student population above initial estimates to be included in the calculation for determining compliance with class size requirements. For districts with prior year noncompliance with class size requirements that resulted in the transfer of a portion of operating class size funds to a capital outlay category, the bill authorizes a reversal of the prior year transfer, if the district meets current year class size requirements.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

Finance & Tax Committee

HB 101 – Tax on Sales, Use, and Other Transactions

By Sansom and others

Tied Bills: None

Iden./Sim Bills: CS/SB 476

Committee(s) of Reference: Finance & Tax; Fiscal Council

HB 101 CS provides that no sales tax will be collected on the sale of books, clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, having a selling price of \$50 or less, or on the sale of school supplies having a selling price of \$10 or less during the nine-day period of July 23 through July 31, 2005.

Specifically, the bill:

- defines "clothing" to mean any article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body;
- excludes from the definition of "clothing" watches, watchbands, jewelry, handkerchiefs, and umbrellas;
- defines "book" to mean a set of printed sheets bound together and published in a volume. The term "book" does not include newspapers, magazines, or other periodicals;
- defines "school supplies" to mean pens, pencils, erasers, crayons, notebooks, paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer discs, protractors, compasses, and calculators;
- provides that the provisions of the act do not apply to theme parks, public lodging establishments, and airports; and
- provides specific rule-making authority to the Department of Revenue to adopt rules to implement the sales tax holiday.

The bill provides an appropriation to the Department of Revenue of \$206,000 to administer the sales tax holiday.

The fiscal impact of the sales tax holiday is a negative \$31.3 million to state revenues and a negative \$6.6 million to local funds in FY 2005 - 2006.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 499 – Property Appraiser Assessments

By Antone; Hasner

Tied Bills: None

Iden./Sim Bills: CS/SB 1270

Committee(s) of Reference: Finance & Tax; Local Government Council; Fiscal Council

The bill amends s. 193.023, F.S., to require real property to be physically inspected

every 5 years for purposes of determining the value of the property for ad valorem tax purposes, rather than every 3 years.

In addition, the bill amends s. 193.501, F.S., to provide a definition of what constitutes “open to the public” for golf courses. Specifically, the bill provides that if a golf course can be used by any member of the public for the lowest price available to anyone, then the golf course is considered open to the public and may qualify for a lower property tax assessment as land used for outdoor recreational purposes.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

HB 643 – Exemption from the Tax on Sales, Use, and other Transactions for Farm Equipment

By Bowen and others

Tied Bills: None

Iden./Sim Bills: CS/SB 696

Committee(s) of Reference: Finance & Tax; Agriculture; Fiscal Council

HB 643 eliminates the 2.5% sales tax imposed on purchases of power farm equipment that is used exclusively in agricultural production on a farm or in a forest, or for fire prevention with respect to crops. The bill also redefines the type of equipment that is exempt from sales tax to include generators and motors.

The bill has a negative fiscal impact of \$9.3 million to state government and \$1.9 million to local government in Fiscal Year 2005-2006, and \$10 million to state government and \$2.2 million to local governments in Fiscal Year 2006-2007.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

HB 1159 – Florida Retirement System

By Bogdanoff and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1624; includes HB 483 CS

Committee(s) of Reference: Finance & Tax; Local Government Council; Fiscal Council

HB 1159 provides that a municipality may receive another municipality’s premium tax revenues when there is an interlocal agreement in place to provide fire protection services. The municipality receiving fire services must levy the premium tax authorized by ch. 175, F.S., and copies of the interlocal agreement and the ordinance levying the tax must be provided to the Division of Retirement.

HB 1159 also provides a six-month window (January 1, 2006 – June 30, 2006) for a local agency Senior Management Service Class employee who has withdrawn from the Florida Retirement System (FRS) to have one opportunity to elect to participate in either the FRS’s defined benefit plan or defined contribution plan.

If an employee chooses to transfer to the defined contribution plan, the membership is prospective from the date of the election. Alternatively, if the employee chooses to

transfer to the FRS defined benefit plan, the employee will receive service credit for prior service based upon the time during which the employee had withdrawn from the system, but only upon payment to the FRS Trust Fund of an amount representing the actuarial accrued liability for the affected period of service.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HB 1813 – Tax Administration
By Finance & Tax; Brummer; Stargel
Tied Bills: None
Iden./Sim Bills: CS/SB 2032
Committee(s) of Reference: Fiscal Council

HB 1813 is the Department of Revenue's Annual General Tax Administration package. It enacts changes in the administration of tax laws and makes other changes to tax laws. The bill contains the following changes:

- Allows an estate that is not required to file a federal tax return to file with the Clerk of the Circuit Court an affidavit attesting that no Florida estate tax is due, regardless of the decedent's date of death.
- Changes the due date for documentary stamp taxes and intangible personal property taxes due on transactions involving timeshares.
- Provides an additional definition of service address for the tax on communications services; and provides a definition of "tax fraud" for taxes, fees or surcharges imposed by Ch. 212, F.S.
- Provides for the deposit of penalties relating to fuel taxes into the Fuel Tax Collection Trust Fund. Allows the Department of Revenue to post the Active and Cancelled Fuel License List on its website in lieu of mailing it to all licensees.
- Allows the Department of Revenue to send employers notices by regular mail, instead of registered or certified mail.
- Expands the uses of convention development tax revenues.
- Clarifies the tax treatment of non-residential purchasers of airplanes and taxes on vessels imported to Florida solely for the purpose of retail sale.
- Expands sharing of confidential information concerning the Bill of Lading Program between the Department of Revenue and the Department of Agriculture and Consumer Services.
- Specifies the taxes which qualify for the automatic penalty compromise or settlement of liability pursuant to s. 213.21(10), F.S.
- Clarifies that the Department of Revenue must give taxpayers notice that their account is being referred to a collection agency at least 30 days prior to the referral.
- Creates s. 624.50921, F.S., to provide a statute of limitations for assessments of the insurance premium tax, and to provide for adjustments to premium tax returns when corporate income tax returns are adjusted.
- Authorizes the Florida Surplus Lines Services Office to collect and deposit the Emergency Management, Preparedness, and Assistance Trust Fund surcharge.
- Requires employers who transfer their business to a related entity to retain their unemployment experience history.
- Expands authorized uses of convention development tax revenues.

- Allows an affiliated group of corporations meeting certain criteria to qualify for the salary credit against the insurance premium tax based on the salary of employees of a service company.
- Allows the salary credit against the premium tax for employees of a service company subsidiary of a mutual holding company, contingent upon an appropriation to the General Revenue Fund to offset the salary credits.
- Allows an insurance company with employees in an enterprise zone to take full advantage of the salary credit as an offset to its retaliatory taxes.
- Provides an appropriation of \$2.6M from the Workers' Compensation Trust Fund to the General Revenue fund to offset the changes to the salary credit provisions of the bill.
- Provides a documentary stamp tax exemption for certain documents recorded in error between April 15, 2000 and April 10, 2005.
- Creates s. 196.1999, F.S., to exempt from ad valorem tax storage components used to transport or store cargo used for a space laboratory. This is a reenactment of an exemption that expired on July 1, 2004.
- Eliminates a reference to the intangible tax and provides a new definition of "banking organization" for purposes of the applicability of documentary stamp taxes on international banking transactions.

The provisions of this bill are estimated to reduce state revenues by \$2.6 million and local revenues by \$100,000 annually.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HCB 6001 – Hurricane Preparedness

By Finance & Tax; Greenstein and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1462

Committee(s) of Reference: Fiscal Council

HCB 6001 provides that no sales tax will be collected between June 1, 2005 and June 12, 2005 on:

- Any portable self-powered light source selling for \$20 or less;
- Any portable self-powered radio, two-way radio, or weatherband radio selling for \$50 or less;
- Any tarpaulin or other flexible waterproof sheeting selling for \$50 or less;
- Any self-contained first-aid kit selling for \$30 or less;
- Any ground anchor system or tie-down kit selling for \$50 or less;
- Any gas or diesel fuel tank selling for \$25 or less;
- Any package of AA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding auto and boat batteries, selling for \$30 or less;
- Any nonelectric food storage cooler selling for \$30 or less; and
- Any portable generator selling for \$750 or less to provide light, communications, or food preservation.

The bill grants rulemaking authority to the Department of Revenue and appropriates \$221,400 from the General Revenue Fund to administer the provisions of the act.

The fiscal impact of the bill is estimated to be negative \$7.9 million in state revenues and a negative \$1.7 million in local revenues during FY 2005 – 2006.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 300 – Taxation

By Government Efficiency Appropriations

Tied Bills: None

Iden./Sim Bills: HB 1807

Committee(s) of Reference: Government Efficiency Appropriations; Governmental Oversight and Productivity

SB 300 corrects an inadvertent error made during the 2000 Regular Session. In 2000, a number of bills were amended onto HB 509, which became Ch. 2000-312, L.O.F. One of the bills added to HB 509 contained a section which was intended to repeal the provisions of the added bill on October 1, 2005. This repeal provision became s. 11 of Ch. 2000-312, L.O.F. Because of the method used to combine these bills, s. 11 was made applicable to all the provisions of Ch. 2000-312, L.O.F.

SB 300 repeals s. 11 of Ch. 2000-312, L.O.F., thereby saving from repeal a number of provisions included in that chapter.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 550 – Property Tax Exemption/ Disabled Vets

By Clary and others

Tied Bills: None

Iden./Sim Bills: HB 83 CS

Committee(s) of Reference: Community Affairs; Government Efficiency Appropriations

Current law provides a \$5,000 reduction in the taxable value of property to any resident, ex-service member who has been disabled to a degree of ten percent or more while serving during a period of wartime service or by misfortune.

This bill extends this \$5000 property tax exemption to the un-remarried surviving spouse of a disabled ex-service member who, on the date of the disabled ex-service member's death, had been married to the disabled ex-service member for at least five years. When added to the \$500 widows' exemption, this bill increases the total property tax exemption available to qualifying spouses to \$5,500.

In addition, the bill provides a definition of "ex-service member," which is currently undefined by the statutes.

The definition of ex-service member appears to be expansive enough to include all persons who have previously been granted this exemption. However, because the bill also amends the criteria for granting this exemption to require that the ex-service member be "honorably discharged," the bill will deny this exemption to any dishonorably

discharged ex-service members who may apply for it or have previously been granted an exemption.

The Revenue Estimating Conference estimated the fiscal impact of this bill to be negative \$1.1 million in Fiscal Year 2005-06 for all local governments levying property taxes.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 878 – Delinquent Property Taxes

By Baker; Posey

Tied Bills: None

Iden./Sim Bills: HB 289 CS

**Committee(s) of Reference: Community Affairs; Government Efficiency
Appropriations**

SB 878 requires Lake, Marion, Seminole, and Sumter counties to participate in a pilot program that reduces the number of times real or personal property with delinquent taxes must be advertised before the tax certificate sale.

Under current law, the Tax Collector, prior to selling a tax certificate, must advertise the sale once a week for three weeks.

For the specified counties, this bill changes the advertisement requirement to one advertisement at least 21 days prior to the sale. The four counties are required to participate in the program for two complete property tax cycles.

Finally, the bill requires the Tax Collectors in Lake, Marion, Seminole, and Sumter counties prepare a report comparing the effectiveness of single publication versus triple publication. The Tax Collectors must submit the report to the President of the Senate and the Speaker of the House of Representatives by October 1, 2007.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 1194 – Homestead Assessments

By Community Affairs; Bennett; Lynn

Tied Bills: None

Iden./Sim Bills: HB 537 CS

**Committee(s) of Reference: Community Affairs; Government Efficiency
Appropriations**

The bill provides that changes, additions, or improvements to homestead property rendered uninhabitable in one of the named storms of 2004 shall not result in an increase in the assessed value of the property unless:

- The square footage of a house which previously measured more than 1350 square feet is increased by ten percent or more,
- The square footage of a house which previously measured 1350 square feet or less is increased to more than 1500 square feet, or

- Repairs to the property are incomplete by January 1, 2008.

The Revenue Estimating Conference has estimated that this bill will reduce local revenues by \$13.1 million on an annualized basis, assuming no change in millage rates by local governments.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/SB 1602 – State Tax Funds

By Commerce and Consumer Services; Baker

Tied Bills: None

Iden./Sim Bills: HB 617 CS

Committee(s) of Reference: Commerce and Consumer Services; Government Efficiency Appropriations

SB 1602 provides that in any action by a purchaser against a retailer, dealer, or vendor for a refund or recovery of taxes, fees or surcharges collected by the retailer, dealer, or vendor from the purchaser, the purchaser has the burden of proving all elements of the claim by clear and convincing evidence.

The bill also provides that the sole remedy in the action is damages measured by the difference between what the retailer, dealer, or vendor collected and what the retailer, dealer, or vendor paid to the taxing authority, plus any discount or collection allowance. It is an affirmative defense to such action when the retailer, dealer, or vendor actually remitted the amount collected to the appropriate governmental entity.

The bill applies to the taxes enumerated in s. 72.011, F.S., excluding ch. 202, F.S., and that portion of ch. 203, F.S., collected thereunder, and also applies to taxes imposed under ch. 205, F.S.

The bill provides for severability and for retroactive application.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 1796 – Property Tax Administration

By Atwater

Tied Bills: None

Iden./Sim Bills: HB 1805

Committee(s) of Reference: Government Efficiency Appropriations; General Government Appropriations

This bill makes two changes to the process of reviewing and approving property tax rolls.

First, the bill provides that if the Department of Revenue finds a problem with the Sales Qualification Study, the Department shall issue a post-audit notification of defects under s. 195.097, F.S., instead of issuing a review notice under s. 193.1142(4), F.S.

This change will allow the process of approving the tax roll to go forward and allow the Department and the Property Appraiser more time to solve the process defect that is causing the errors in qualification decisions.

Second, this bill amends the provisions of s. 195.096(2)(c), F.S., regarding the statistical reliability of ratio studies. Currently, the statute requires that “the department must use a representative or statistically reliable sample” and that it shall “assure the representativeness of ratio samples.”

The Department maintains that by their terms, neither of these standards is achievable. Thus, this bill instructs the Department to “enhance” rather than “assure” the representativeness of the sample, and requires it to do statistical and analytical reviews in order to document the degree of reliability of its samples.

These sections were cited by the Auditor General in its report on the Department’s ad valorem tax program issued August 16, 2000, and these changes are based on the Auditor General’s recommendations.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

SB 1798 – Corporate Income Tax/2005 IRS Code

By Atwater

Tied Bills: None

Iden./Sim Bills: HB 1809

Committee(s) of Reference: Government Efficiency Appropriations

Florida's Corporate Income Tax Code follows the Federal Internal Revenue Code (IRC) by using federal rules and starting with federal taxable income as the tax base for the Florida income tax. This allows for administrative simplicity for both the state and for corporations since a corporation will only have to keep one set of books and apply one set of laws.

Florida’s Constitution forbids the Legislature from delegating its legislative authority to another body, such as Congress. While the Legislature may adopt federal law by reference, the Legislature may only adopt a law that is in existence when the legislation is passed. Since the IRC usually changes every year, it is necessary for Florida to adopt the most recent version of the IRC each year.

SB 1798 updates the Florida Income Tax Code to reflect the changes Congress made in 2004 to the IRC.

The bill is estimated to have a negative indeterminate fiscal impact to General Revenue in Fiscal Year 2005-06.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law and operates retroactively to January 1, 2005.

CS/SB 2070 – Communications Services

By Communications and Public Utilities; Constantine

Tied Bills: None

Iden./Sim Bills: HB 49; SB 818**Committee(s) of Reference: Communications and Public Utilities; Community Affairs; Government Efficiency Appropriations; Ways and Means**

CS/SB 2070 repeals the communications services tax and the gross receipts tax imposed by chapters 202 and 203, F.S., on the actual cost of operating a substitute communications systems. The repeal is retroactive to October 1, 2001, but does not create a right to a refund for any taxes that have been paid in the past.

The bill creates the Communications Services Tax Task Force to study and make recommendations regarding the future taxation of communications services given the changing nature of the industry. The Task Force will have nine members, three appointed by the Governor, three appointed by the President of the Senate, and three appointed by the Speaker of the House of Representatives, having expertise in state or national telecommunications policy, taxation, law, or technology. The bill appropriates \$600,000 from the General Revenue Fund to the Department of Revenue for Task Force expenses.

The bill also provides guidance for the administration of recently enacted federal legislation granting telecommunications companies the ability to separate taxable and exempt services when they are sold together for one price based on the companies' books and records.

The bill also provides clarification that the communications services tax applies to voice over internet protocol (VoIP) and other enhanced communications services, and requires registration of communications service providers who have established nexus in this state by maintaining an office within this state or by soliciting business from within this state.

Finally, the bill grants the Department of Revenue authority to promulgate emergency rules to implement the provision of the act.

The bill is estimated to reduce annual state revenues by \$300,000 and local revenues by \$100,000.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 2348 – Intangible Personal Property Tax**By Government Efficiency Appropriations; Haridopolos and others****Tied Bills: None****Iden./Sim Bills: HB 963****Committee(s) of Reference: Governmental Efficiency Appropriations**

CS/SB 2348 decreases the tax rate on the annual, recurring intangibles tax from 1 mill to .5 mill.

The bill is estimated to reduce state revenues by \$123.8 million in Fiscal Year 2005-06 and by \$156 million in Fiscal Year 2006-07.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2006.

CS/SB 2610 – State Financial Matters/Management

By Ways and Means; Carlton

Tied Bills: None

Iden./Sim Bills: HB 1825 CS

Committee(s) of Reference: Ways and Means

Chapter 216, F.S., the planning and budgeting law, provides guidelines to the Governor, the judicial branch and state agencies for developing and submitting legislative budget requests and administering legislative appropriations.

Over the years, the chapter has been modified to incorporate most of the functions related to the state budgetary process – from consensus estimating conferences to the single audit act. The result is an aggregation of topics that periodically require reorganizing and updating. Specifically, the bill:

- Clarifies the necessary approval for various agency interim budget amendment requests by providing a separate list of amendments that require Executive Office of the Governor and Legislative Budget Commission (LBC) approval.
- Provides for treatment of the judicial branch consistent with the executive branch relative to the budget amendment process.
- Eliminates the Working Capital Fund as a statutorily-defined account.
- Establishes salary rate control at the budget entity level as specified in the General Appropriations Act.
- Provides for interim changes by the LBC, except for reorganizations or other appropriations made by law, and distribution of lump sum appropriations and administered funds.
- Requires budget amendments associated with Department of Transportation Work Program changes to comply with ch. 216.
- Merges and clarifies provisions regarding agency budget transfer authority, and increases the current limit from \$150,000 to \$250,000.
- Eliminates the Child Welfare System and Juvenile Justice Estimating Conferences.
- Provides for alternative due dates for legislative budget requests.
- Eliminates separate deficit reduction language that requires prorated reductions for the Chiles Endowment/Tobacco Settlement Trust Fund.
- Authorizes the Governor and Chief Justice to address General Revenue Fund deficits under 1.5% and allows the House of Representatives and Senate to certify a deficit if the Governor does not certify the deficit.
- Expands current requirements for fiscal impact statements to apply to all agencies and statutorily-created entities, and requires statements prior to final action that will affect revenues or appropriations.
- Requires specific approval by chairs of the House and Senate appropriations committees for certain budget authority not authorized in the General Appropriations Act.
- Expands notice requirements for lawsuit settlements.

- Modifies the certifications forward process, effective July 1, 2006, to provide automatic approval of items expended but not disbursed, and require a September 30 reversion date.
- Transfers the Florida Single Audit Act functions from the Executive Office of the Governor to the Chief Financial Officer (CFO).

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

Health Care Appropriations Committee

HB 151 – Access to Health Care Act

By Sorensen and others

Tied Bills: None

Iden./Sim Bills: SB 1032

**Committee(s) of Reference: Health Care Appropriations; Health Care Regulation:
Fiscal Council**

HB 151 amends s. 766.1115, F.S., by changing the definition of low income from 150 percent to 200 percent of the federal poverty level, which will increase the number of persons potentially eligible for free medical care from providers in the Volunteer Health Care Provider Program in the Department of Health.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

Justice Appropriations Committee

HB 1917 – Juvenile Justice

By Justice Appropriations; Barreiro and others

Tied Bills: None

Iden./Sim Bills: HB 1863 CS; HB 1151 CS; CS/CS/SB 1914; CS/CS/SB 1978; SB 2380; CS/SB 2546

Committee(s) of Reference: Juvenile Justice; Fiscal Council

HB 1917 further implements provisions relating to juvenile detention cost apportionment between the state and counties that passed during 2004 Special Session A (ch. 2004-473, L.O.F.).

The bill creates a minimum risk, non-residential commitment option for juveniles. This essentially reinstates day treatment as a commitment option for judges which was rejected in 2000. The bill also contains provisions related to cost of care collections from parents of juveniles in minimum risk programs and youth that abscond from these programs.

The bill provides that Wakulla, Sumter, and Highlands counties are eligible for grant funding for their detention costs for fiscal year 2005-06, but does not change the basic eligibility criteria set in current law.

The bill increases background screening requirements for personnel working with youth and provides a General Revenue appropriation of \$123,241, for implementation. The bill creates a task force on juvenile sexual offenders and a task force on certification of provider staff. The bill also includes a provision allowing for up to 72 hour home visits by youth in high risk facilities who are in the last 60 days of their programs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/CS/CS/SB 2048 – Judges

By Ways and Means; Justice Appropriations; Judiciary; Crist

Tied Bills: None

Iden./Sim Bills: HB 263

Committee(s) of Reference: Judiciary; Justice Appropriations; Ways and Means

The bill authorizes 35 new circuit court judges and 20 new county court judges and provides 55 FTE for associated support.

The bill phases in the judges as follows: 10 county court judges effective November 1, 2005; 10 county court judges effective January 2, 2006; 18 circuit judges effective November 2, 2005; and 17 circuit court judges effective January 2, 2006.

CS/CS/CS/SB 2084 appropriates \$8,203,458 in recurring funds and \$306,659 non-recurring funds from the General Revenue Fund for Fiscal Year 2005-06 to the county and circuit courts. The annualized cost of the bill is estimated to be \$12.9 million.

The bill funds half of the Supreme Court's original certification of the need for 110 new judges.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

State Administration Appropriations Committee

CS/SJR 2144 – State Budget Planning and Spending

By Ways and Means and Atwater

Tied Bills: CS/SB 2146

Iden./Sim Bills: HJR 1821 CS

Committee(s) of Reference: Government Efficiency Appropriations; Ways and Means

The Senate Joint Resolution proposes to amend Section 19 of Article III of the State Constitution. The Joint Resolution provides:

- The amount of non-recurring General Revenue that may be used to fund the recurring costs of state programs is limited to 3 percent of total General Revenue (approximately \$800 million). The limitation may be waived by a 3/5 vote of the Legislature.
- The Joint Legislative Budget Commission (JLBC) is established in the Florida Constitution. The membership is to be an equal number of Representatives and Senators, but the number is not set in the Joint Resolution. The members and the alternating chairs are appointed by the President of the Senate and the Speaker of the House of Representatives.
- No later than September 15th of each year, the JLBC shall issue a long-range financial outlook setting out fiscal strategies for the state and its departments and agencies. The purpose of the outlook is to “assist the legislature in making budget decisions.” The outlook must include major workload and revenue estimates. Each department and agency must submit a legislative budget request that is based upon the long-range financial outlook adopted by Joint Legislative Budget Commission or explain any variance from the plan.
- The Legislature is granted authority to “prescribe by general law conditions under which limited adjustments to the budget, as recommended by the governor or the chief justice of the supreme court, may be approved without concurrence of the full legislature.”
- The Government Efficiency Task Force is created in 2007, and every four years thereafter. The Task Force is composed of legislators and private sector appointees who will make recommendations to improve government and reduce costs. The Task Force shall complete its work within one year and shall submit its report to the JLBC, the governor, and the chief justice of the supreme court.
- General law shall provide for a long-range state planning document which shall be updated every two years. The plan shall provide statewide strategic goals and objectives, and be consistent with the long-range financial outlook.

Subject to approval by the voters at the next general election, the effective date of this Joint Resolution is January 2, 2007.

CS/SB 2146 – State Planning and Budgeting

By Ways and Means; Atwater

Tied Bills: CS/SJR 2144

Iden./Sim Bills: HB 1823 CS

Committee(s) of Reference: Government Efficiency Appropriations; Ways and Means

This bill is the implementing bill for CS/SJR 2144.

The bill conforms current statutes concerning the Legislative Budget Commission (LBC) to the provisions of Joint Resolution (the bill states that the LBC is the Joint Legislative Budget Commission created in the Joint Resolution). The LBC will operate similarly as to how it does now. Membership will remain seven Senators and seven Representatives. The alternating chairs will be appointed by the President and the Speaker (instead of being the chairs of the appropriations committees). The LBC will convene at the call of the presiding officers (instead of the chair and vice chair). A quorum will remain a majority of each house plus one member. The LBC will be staffed by legislative staff (instead of appropriations committee staff).

The LBC shall have the power and duty to:

- review and approve or disapprove budget amendments proposed by the Governor or the Chief Justice of the Supreme Court as provided in Chapter 216, F.S.;
- develop the long-range financial outlook described in the Joint Resolution; and
- exercise all other powers and perform any other duties prescribed by the Legislature.

The "long-range financial outlook" is defined consistent with the requirements of the Joint Resolution as the three-year plan, updated annually by the LBC using official information on revenues and expenditures and used as the framework for agency legislative budget requests. Section 216.012, F.S., is amended to require the LBC to develop the long-range financial outlook required in the Joint Resolution.

The legislative budget requests must reflect the long-range financial outlook by basing specific requests on the long-range financial outlook or by explaining how the request varies from the outlook.

The legislative budget instructions must provide for consistency between agency long-range plans and agency legislative budget requests.

The Government Efficiency Task Force is created.

Subject to the Governor's veto powers, the effective date of this bill is upon the effective

date of the amendment to the State Constitution contained in Senate Joint Resolution 2144.

HOUSE OF REPRESENTATIVES

Health & Families Council

**Representative Anna Holliday “Holly” Benson,
Chair**

Representative Ed Homan, Vice Chair

2005 SUMMARY OF PASSED LEGISLATION



Elder & Long-Term Care Committee

**Representative Hugh H. Gibson III, Chair
Representative Thomas “Tom” Anderson, Vice Chair**

Future of Florida's Families Committee

**Representative Bill Galvano, Chair
Representative Aaron P. Bean, Vice Chair**

Health Care General Committee

**Representative Gayle B. Harrell, Chair
Representative Juan C. Zapata, Vice Chair**

Health Care Regulation Committee

**Representative Rene Garcia, Chair
Representative Eleanor Sobel, Vice Chair**

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Health & Families Council

CS/CS/SB 838 – Medicaid

By Ways and Means; Health Care; Peaden and others

Tied Bills: None

Iden./Sim Bills: HCB 6003

Committee(s) of Reference: Ways and Means; Health Care

CS/CS/SB 838 contains short-term and long-term Medicaid reform activities, pilot projects, and studies designed to improve efficiency, enhance quality of care and client outcomes, and achieve sustainable growth in Florida's Medicaid program. Specifically, the bill:

- Requires the Agency for Health Care Administration (AHCA) to contract with a vendor to identify and counsel providers whose clinical practice patterns are outside normal practice patterns.
- Authorizes AHCA to competitively bid single source provider contracts if less costly.
- Requires AHCA to determine if purchasing medical equipment is less expensive than long-term rental and authorizes AHCA to facilitate purchases in lieu of long-term rentals to protect against fraud and abuse.
- Requires that provider service network contracts currently in effect be extended for a period of three years and provides a definition for a provider service network.
- Directs that AHCA by December 1, 2005, design and implement an integrated, fixed-payment delivery system for persons 60 years of age and older:
 - requires pilots initially in two areas of the state – enrollment is voluntary in one pilot;
 - requires combining all funds, excluding nursing home services unless AHCA demonstrates care can be improved in a less costly manner;
 - excludes persons 60 years of age and older who are being served in certain waiver programs, and individuals who are residents of institutional facilities for the developmentally disabled;
 - requires competitive bid process for selecting entities to operate;
 - requires evaluation by Office Of Program Policy Analysis and Government and Accountability (OPPAGA) in consultation with Auditor General and report by 6/30/08; and
 - requires legislative approval prior to implementation.
- Requires AHCA to develop a business case process to determine whether increased reimbursement for certain services is cost-effective.
- Requires the Comprehensive Assessment Review and Evaluation for Long-term Care Services (CARES) staff to identify Medicare patients in nursing homes who are being inappropriately disqualified from coverage under Medicare and assist with appeal of the disqualification if such activities are federally reimbursable.
- Requires AHCA by April 1, 2006, to contract with an entity to develop a real-time, web-based utilization tracking system or electronic medical record for Medicaid recipients.
- Requires AHCA to provide emergency department diversion programs.

- Directs AHCA to allow credentialed dispensing practitioners to participate in the Medicaid program regardless of the proximity of other dispensing entities.
- Requires AHCA to implement a Medicaid prescription drug management program to reduce costs, waste, and fraud, while improving recipient safety.
- Requires AHCA to address the issue of destruction of Medicaid prescription drugs and report to the Legislature by December 1, 2005;
- Allows reimbursement for mental health crisis care provided in a non-hospital setting, if less costly.
- Creates s. 409.91211, Florida Statutes, to authorize AHCA to seek a federal waiver to create a statewide initiative to deliver Medicaid services in a capitated managed care system designed to replace the fee-for-service system:
 - phase one to be implemented in two geographic areas: one in Broward County only and one initially in Duval County to be expanded to Baker, Clay and Nassau Counties within one year after Duval is operational;
 - contingent upon a mechanism that provides a reasonable growth factor for the upper-payment-level funding and other intergovernmental transfers;
 - allows statewide expansion of demonstration projects upon completion of evaluation and upon Legislative approval.
- Provides a framework within which AHCA is to develop a pilot program by developing, determining, or recommending:
 - a system to deliver all mandatory and optional services pursuant to ss. 409.905 and 409.906, F.S., including emergency services under s. 409.9128, F.S.;
 - Medicaid eligibility categories to be included in a pilot;
 - maximization of all state and federal funds;
 - actuarially sound, risk-adjusted capitation rates that can be separated into comprehensive, enhanced services, and catastrophic care;
 - phase in of financial risk for existing provider service networks and opportunity for federally qualified health centers to participate;
 - stop-loss requirements and transfer of excess cost to catastrophic coverage;
 - a process to determine and validate rate of growth of per-member costs;
 - program standards and credentialing requirements for networks to participate in pilot program, including financial solvency, network adequacy, and infrastructure capacity;
 - a choice counseling system, including marketing safeguards, promotion of health literacy, reduction of minority health disparities, and opportunity to change plans;
 - a system to monitor provision of health services, including utilization and quality, and development of an encounter data-information system;
 - grievance resolution processes for recipients and for providers;
 - criteria for participation in the managed care networks;
 - a system to prevent fraud and abuse;
 - actuarial and benefit design analysis over 5-year period;
 - a mechanism to reimburse qualified emergency services providers, including continuation of fee-for-service payments;
 - a system for school districts to participate in the certified school match program; and
 - a system of primary care for the following:

1. children with chronic medical conditions;
 2. persons with developmental disabilities; and
 3. Medicaid-eligible children in foster care.
- Provides for automatic assignment to a capitated managed care plan if Medicaid recipient has not enrolled in a plan within 30 days after eligibility; 90 days to disenroll and enroll in another plan; and lock-in for 12 months after an open enrollment period.
 - Provides a Medicaid opt-out option to allow recipients to purchase health care coverage through an employer-sponsored plan rather than a Medicaid-certified plan.
 - Requires AHCA to post any waiver applications on its Internet website 30 days before submission to the federal government and to submit the waiver applications to appropriate committees of the Senate and the House for review and comment at least 10 working days prior to submission. Recommendation as to whether to approve implementation of federally approved waivers must be made by appropriate legislative committees to the Legislature as a whole.
 - Requires AHCA to develop an implementation plan, including a recommended timeline for implementation and specified budgetary projections, and to submit the plan to the President of the Senate and the Speaker of the House of Representatives at the same time waivers are submitted for consideration by the Legislature.
 - Provides rulemaking authority to AHCA after legislative approval.
 - Requires OPPAGA and the Auditor General to conduct an evaluation of the pilot to be provided to the Governor and the Legislature no later than June 30, 2008, to consider statewide expansion.
 - Provides for global fee reimbursement for Medicaid lung transplant services and provides an appropriation to implement it during 2005-2006 fiscal year.
 - Requires that at least 5 percent of Medicaid audits to detect Medicaid funds lost to fraud and abuse be conducted on a random basis.
 - Requires Medicaid recipients to be provided explanations of benefits.
 - Requires AHCA by December 15, 2005, to study the legal and administrative barriers to enforcing copayments in the Medicaid program.
 - Requires AHCA by January 6, 2006, to develop recommendations to improve third-party liability recoveries.
 - Requires OPPAGA by January 6, 2006, to confirm the value of long-term care community diversion programs.
 - Requires AHCA by December 1, 2005, to study mechanisms for collecting patient-responsibility payments from persons in the long-term care diversion programs.
 - Requires OPPAGA by January 1, 2006, to conduct a study of Medicaid buy-in programs in other states.
 - Requires OPPAGA, in consultation with the Office of Attorney General Medicaid Fraud Control Unit and the Auditor General, by January 1, 2006, to study dollars lost to fraud and abuse in the Medicaid prescription drug program, including examination of manufacturers' pricing practices.
 - Appropriates \$15.7 million in recurring funds, \$18.2 million in non-recurring funds and 11 FTEs to AHCA for the purpose of implementing the act.
 - Repeals the Medicaid rate setting provisions in Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404.

- Requires AHCA to make additional adjustment in calculating payment to prepaid health plans for 2005-2006 fiscal year only with a specified increase required.
- Requires Senate Select Committee on Medicaid Reform to study the provider rate setting process and report recommendations by March 1, 2006, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

Elder & Long Term Care Committee

HB 17 – Developmental Disabilities

By Kravitz and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 428

Committee(s) of Reference: Elder & Long-Term Care; Health Care General; Health Care Appropriations; Health & Families Council

HB 17 amends s. 409.912, F.S., related to the cost-effective purchasing of Medicaid services. The bill requires the Agency for Health Care Administration (AHCA), in consultation with the Agency for Persons with Disabilities, to develop and seek federal approval for a model home and community-based waiver to serve children who are diagnosed with familial dysautonomia.

The bill appropriates funds to AHCA for implementing this act during the 2005-2006 fiscal year.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 189 – Hospice Facilities

By McInvale and others

Tied Bills: None

Iden./Sim Bills: SB 112

Committee(s) of Reference: Elder & Long-Term Care; Local Government Council; Health Care Appropriations; Health & Families Council

HB 189 adds "hospice residential and inpatient facilities and units" to the provisions and requirements the Florida Building Code must address. The bill removes the requirement that the Department of Elderly Affairs, in consultation with the Agency for Health Care Administration (AHCA), establish minimum standards and procedures for "the physical plant standards for hospice residential and inpatient facilities."

The bill also creates a new subsection, which provides that the construction and renovation of hospice residential or inpatient facilities or units must comply with the building construction standards, the Florida Building Code, and the other applicable provisions of Chapter 553, F.S. The bill also requires AHCA to provide technical assistance to the Florida Building Commission in updating the construction standards of the Florida Building Code relative to hospice facilities.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 266 – Nursing Home Facilities

By Saunders; Bullard

Tied Bills: None

Iden./Sim Bills: HB 33

Committee(s) of Reference: Health Care; Banking and Insurance

SB 266 permanently excepts a state-designated teaching nursing home and its affiliated

assisted living facilities from the requirement that all licensed nursing home facilities in Florida maintain general and professional liability insurance that is in force at all times. To qualify, the teaching nursing home must demonstrate financial responsibility in a minimum amount of \$750,000.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/SB 720 – Health Care

By Health and Human Services Appropriations; Wise

Tied Bills: None.

Iden./Sim Bills: HB 797 CS

Committee(s) of Reference: Health Care; Education; Judiciary; Health and Human Services Appropriations

CS/SB 720 makes permanent the existing pilot program on personal care attendants for persons with traumatic spinal cord injuries, makes it available statewide, and specifies program eligibility requirements.

The bill also makes permanent the current allocation of 50 percent of the sales tax revenues collected from the Tax Collection Enforcement Diversion program, which allocation is used to administer the Personal Care Attendant program.

The bill deletes s. 400.506(10), F.S., from the Nurse Registry statute to remove the requirement for a monthly visit from a registered nurse to patients who are receiving care from a certified nursing assistant or home health aide.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 1208 – Long-term Care Partnership Program

By Health Care; Peadar and others

Tied Bills: None

Iden./Sim Bills: HB 371 CS

Committee(s) of Reference: Health Care; Banking and Insurance; Health and Human Services Appropriations

CS/SB 1208 creates s. 409.9102, F.S., to direct the Agency for Health Care Administration (AHCA) to establish the Florida Long-term Care Partnership Program to provide incentives for individuals to purchase long-term care insurance.

The bill amends s. 409.905(8), F.S., to provide that a person who participates in the partnership is able to qualify for coverage of the costs of long-term care under Medicaid without first being required to substantially exhaust or "spend-down" his or her assets. Accordingly, the amount of countable assets for purposes of determining eligibility for Medicaid would be reduced by \$1 for each \$1 of benefits paid by an individual's long-term care partnership program policy.

Prior to the next legislative session, AHCA is required to develop a plan for implementation of the Florida Long-term Care Partnership Program in the form of recommended legislation.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law, except that the amendments relating to Medicaid eligibility are effective contingent upon action by Congress to amend section 1917(b)(1)(c) of the Social Security Act to allow for approval by states of long-term care partnership plans.

HB 1267 – Nursing Homes

By Stargel; Homan

Tied Bills: None

Iden./Sim Bills: CS/SB 2572; CS/CS/CS/CS/SB 442

Committee(s) of Reference: Elder & Long-Term Care; Judiciary; Health Care Appropriations; Health & Families Council

HB 1267 authorizes residents of nursing homes to request a change in the placement of their beds in their rooms under certain conditions. The location of the bed may be changed only if it does not infringe on any roommate or interfere with care or safety of the resident as determined by the facility.

The bill also requires all nursing homes to be protected by approved automatic sprinkler systems. Each "hazardous area" of a nursing home, as defined by the National Fire Protection Association, must be protected by an approved sprinkler system by December 31, 2008, and the entire nursing home must be protected by an approved sprinkler system by December 31, 2010. The bill establishes a loan guarantee program to help nursing homes defray the cost of installing sprinkler systems.

The Agency for Health Care Administration (AHCA) estimates there are 35 nursing homes in the state that will be required to install sprinkler systems. The bill authorizes use of Medicaid funds for capital improvements to help pay for sprinkler system installation and authorizes a 5-year repayment period. Any Medicaid funds used for sprinkler system installation must come from existing Medicaid appropriations. The total estimated cost to Medicaid over the five-year period is \$3,347,097.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1525 – Elderly Affairs

By Lopez-Cantera and others

Tied Bills: None

Iden./Sim Bills: CS/SB 2364

Committee(s) of Reference: Elder & Long-Term Care; Health Care Appropriations; Health & Families Council

HB 1525 deletes the requirement for the Agency for Health Care Administration (AHCA) in consultation with the Department of Elderly Affairs (DOEA) to integrate the Frail Elder Option program into the Nursing Home Diversion program. The bill also deletes the requirement for AHCA and DOEA to integrate the Aged and Disabled Adult Medicaid waiver and the Assisted Living for the Frail Elderly Medicaid waiver into one waiver program.

The bill revises the eligibility requirements relating to financial solvency for entities providing services in the Nursing Home Diversion program. The bill revises the standards so that the Division of Financial Services can implement the financial review process, which will allow “other qualified providers” to remain providers in the Diversion program. The bill also allows existing “other qualified providers” to have a one-year waiver period to meet the revised surplus standards for the program, if they can post a performance bond in lieu of a surplus. The bill requires providers to report quarterly to DOEA their compliance with financial and quality assurance requirements in their contract.

The bill requires the agency to use a federally approved, actuarially certified rate methodology to develop reimbursement rates for the long-term care community diversion pilot project. The bill allows DOEA to move forward on implementation of the pilot program allowing Community Care for the Elderly lead agencies to transition over a period of time into full providers of service under the nursing home diversion program.

The bill deletes the requirement for the DOEA Comprehensive Assessment Review and Evaluation for Long-term Care Services (CARES) program staff to annually review at least 20 percent of case files of Medicaid nursing home residents.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

HB 1559 – Respite Care

By Joyner and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1516

Committee(s) of Reference: Elder & Long-Term Care; Health & Families Council

HB 1559 provides legislative intent that a pilot program be established to address the issues of respite care for minors and adults with disabilities and elderly persons with special needs to prevent caregiver burnout. Accordingly, the Agency for Health Care Administration (AHCA) is directed to establish a five-year pilot program and license an intergenerational respite care assisted living facility to provide respite services to those individuals. The facility must:

- Meet all applicable requirements and standards contained in the assisted living statutes, except that “resident” means a person of any age temporarily residing in and receiving services from the facility;
- Provide respite care services for minors and adults with disabilities and elderly persons with special needs for a period of at least 24 hours and no more than 14 days;
- Provide a facility or facilities in which minor and adults reside in separate living units; and
- Provide a facility that has a maximum of 48 beds, is located in Miami-Dade County, and is operated by a not-for-profit entity.

Easter Seals of Miami-Dade plans to build such a facility. According to testimony received by the Elder & Long-Term Care Committee, the not for profit organization has

already acquired the land and the necessary private funding to build the Inn at Easter Seals, at no cost to the state or federal government.

The bill provides that AHCA may establish policy provisions in order to achieve the objectives of the bill and may adopt rules necessary to implement the pilot.

The bill requires AHCA to report to the Legislature after four years on the effectiveness of the pilot and to recommend whether the program should be made permanent.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/SB 1722 – Multiservice Senior Centers

By Health Care; Fasano and others

Tied Bills: None

Iden./Sim Bills: HB 911 CS

Committee(s) of Reference: Children and Families; Health Care

CS/SB 1722 creates new s. 430.901, F.S., redefining and providing for multiservice senior centers. The definition provides that the centers:

- Are focal points to provide services suited to independent older persons, including meals, health, mental health, social, wellness, respite care, education services, and recreational activities;
- May partner with Aging Resource Centers to provide easier access to long-term care services;
- Provide opportunities for participants to stay connected to their communities; and
- Are designed to offer preventive services to divert seniors from extensive in-home services and to reduce, delay, or prevent premature institutionalization.

The bill also relocates s. 430.206, F.S., from the Community Care for the Elderly Act to new s. 430.902, F.S., and amends it to encourage multiservice senior centers to seek national accreditation by the National Institute of Senior Centers (NISC).

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/CS/SB 2550 – Assistive Technology Devices and Services

By Commerce and Consumer Services; Education; Wise and others

Tied Bills: None

Iden./Sim Bills: HB 735 CS

Committee(s) of Reference: Education; Commerce and Consumer Services

CS/CS/SB 2550 requires the development of interagency agreements by the Florida Infants and Toddlers Early Intervention Program, the Division of Blind Services, the Bureau of Exceptional Education and Student Services, the Division of Vocational Rehabilitation, and the Voluntary Prekindergarten Education Program. The agreements are intended to ensure that any assistive technology (AT) device issued to a young person as part of his or her individualized education plan remains with that child as he or she transitions through the educational system. The agreements are also intended to

provide a system for ensuring that young persons with disabilities and their families, educators, and employers are informed about the utilization and coordination of AT devices and services that may assist in meeting the young person's transition needs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

Future of Florida's Families Committee

SB 356 – Substance Abuse Treatment

By Lynn

Tied Bills: None

Iden./Sim Bills: HB 779 CS

Committee(s) of Reference: Children and Families; Health Care; Health and Human Services Appropriations

SB 356 authorizes the Department of Children and Family Services to expand children's behavioral crisis unit demonstration models to other areas in the state after July 1, 2005.

The bill redefines "licensed service provider," for purposes of substance abuse impairment services, to include the service component of "intensive inpatient treatment," which is defined to include a planned regimen of professionally directed evaluation, observation, medical monitoring, and clinical protocols that are provided 24 hours a day, seven days per week in a highly structured, live-in environment.

The bill defines "medical monitoring," to mean oversight and treatment, 24 hours per day by medical personnel of clients whose subacute biomedical, emotional, psychosocial, behavioral, or cognitive problems are so severe that the clients require intensive inpatient treatment by an interdisciplinary team. Medical personnel, as used in the term "medical monitoring," is limited to persons who are Florida-licensed medical physicians, osteopathic physicians, physician assistants, or nurses.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 498 – Immigrant Children/Residency Status

By Margolis and others

Tied Bills: None

Iden./Sim Bills: HB 809

Committee(s) of Reference: Children and Families; Judiciary; Health and Human Services Appropriations

SB 498 creates a new section of law relating to Special Immigrant Juvenile Status (SIJS) and lawful permanent residency for undocumented alien children who have been abused, neglected or abandoned, and who have been adjudicated dependent by the court. The Department of Children and Families (DCF) or a community-based care provider is directed to determine whether a dependent child is a citizen of this country by the time of the first judicial review for the child.

Guidance is provided to DCF, community-based care providers, and the courts regarding the findings necessary to support a petition for SIJS and an application for lawful permanent residency on behalf of the child. DCF or the community-based care provider is required to seek SIJS status and permanent residency within 60 days after the entry of a court order determining that such action is in the best interest of the child.

When the petition for SIJS and the application for permanent residency have been submitted prior to the child's 18th birthday, but a final determination has not been made, the bill authorizes the court's jurisdiction to be extended solely to permit continued consideration of the application and petition. Such extended jurisdiction ends upon the final decision of the federal authorities. In no case can jurisdiction be extended beyond the young adult's 22nd birthday.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/CS/SB 758 – Child Protective Investigations

By Judiciary; Children and Families; Wise

Tied Bills: None

Iden./Sim Bills: HB 407

Committee(s) of Reference: Children and Families; Judiciary; Ways and Means

CS/CS/SB 758 prohibits the use of information contained in a report of child abuse, neglect or abandonment in any way that adversely affects the interests of a person when that person has not been identified as a caregiver responsible for the abuse, neglect, or abandonment. The prohibition also extends to institutional investigations of abuse, neglect or abandonment. The bill provides, however, that when the person is a licensee of the Department of Children and Families, the information may be considered if relevant in re-licensing or revocation of license decisions when three or more instances have occurred over a five-year period.

The bill also authorizes access to records relating to child abuse and neglect under s.39.3035, F.S., to staff of Children's Advocacy Centers.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 775 – Child Support Enforcement

By Future of Florida's Families; Galvano and others

Tied Bills: None.

Iden./Sim Bills: CS/SB 1262; CS/SB 1884; HB 1283

Committee(s) of Reference: Civil Justice; Insurance; State Administration

Appropriations; Justice Council

HB 775 makes a number of changes to the statutes related to child support enforcement, including, but not limited to:

- Provides civil penalties for employers, unions, and plan administrators that violate the provisions of a National Medical Support Notice;
- Allows the Department of Revenue (DOR) to continue to report a current child support obligation as an open account after a delinquency reported to a consumer reporting agency has been paid off;
- Provides that once a settlement agreement is reached related to a workers' compensation claim, no proceeds of the settlement or attorney's fees can be disbursed until after a judge of compensation claims reviews the disbursement proposal and enters an order finding that the settlement provides for appropriate recovery of any existing child support arrearage. Also requires employee to

submit statement from DOR as to whether unpaid support is owed and, if so, how much;

- Allows DOR access to any acknowledgement of paternity that results in an original birth certificate being amended. It also allows the Office of Vital Statistics to amend birth records of children born in Florida upon paternity establishment by another state based upon certification by the Title IV-D agency accompanied by supporting documentation;
- Limits the exemption for support order establishment to recipients of temporary cash assistance or Supplemental Security Income only;
- Eliminates the requirement for a monthly report on public assistance collections;
- Allows the Agency for Health Care Administration (AHCA) to share KidCare information with the Department of Revenue for Title IV-D purposes; and
- Provides a process for redirecting child support payments to the person with whom the child resides in Title IV-D cases where a child for whom a support order has been entered resides with a person other than the obligee or obligor.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law, except as otherwise provided.

CS/CS/SB 1090 – Minors/Psychotropic Medication

By Judiciary; Children and Families; Campbell and others

Tied Bills: None

Iden./Sim Bills: HB 883 CS; HB 209

Committee(s) of Reference: Children and Families; Health Care; Judiciary; Health and Human Services Appropriations

Regarding the provision of psychotropic medications to a child, CS/CS/SB 1090 requires the Department of Children and Family Services (DCF) to:

- Obtain parental consent whenever possible;
- Provide all known pertinent medical information to the evaluating physician when seeking an evaluation to consider the provision of a psychotropic medication to a child in its custody;
- Authorize the continuation of a psychotropic medication until the "shelter hearing" if a child is taking the medication at the time of removal from his or her home pursuant to s. 39.401, F.S.;
- Seek court approval to provide psychotropic medications except in certain situations;
- Specify the contents of the physician's medical report and submit the report to the court when DCF seeks approval to provide psychotropic medications to a child in its custody;
- Adopt rules pertaining to the use of psychotropic medications by children in its care;
- Give written or other notice to parties within 48 hours of the filing of the motion to provide or continue to provide psychotropic medication to a child; and
- Assess and document the fiscal impact of these provisions and submit a report to the Legislature by February 1, 2006.

Additionally, the bill provides:

- For the parents or legal guardian to provide all known medical information to

- DCF when a child is placed in a shelter under court order;
- A required court hearing as soon as possible if any party objects to the DCF's motion to provide or continue a psychotropic medication to a child;
- Authority to the court to order DCF to provide, continue, or discontinue psychotropic medication upon certain findings; and
- Ongoing judicial review of a child taking psychotropic medications who is in DCF custody.

The bill expands information that must be provided under the Florida Mental Health Act or the Baker Act to a patient or a person who is legally authorized to make health care decisions on behalf of the patient, to obtain express and informed consent.

The bill specifies information that must be provided regarding medications. The bill also requires mental health facilities to develop a system for investigating, tracking, managing, and responding to complaints by persons receiving services or individuals acting on their behalf. This system must be consistent with rules adopted by DCF.

The bill provides an exception with respect to who may consent for medical care and treatment of a minor to permit DCF to authorize treatment with psychotropic medications for a child in its custody, as provided in s. 39.407(3), F.S.

The bill prohibits a public school from denying any student access to programs or services because the parent of the student has refused to place the student on psychotropic medication.

The bill prohibits a public school teacher from compelling or attempting to compel any specific actions by the parent or requiring a student to take psychotropic medications.

Provisions relating to the use of psychotropic medications by children in public schools is also addressed in HB 209.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1283 – Child Support

By Galvano and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1884; CS/SB 1262; HB 775

Committee(s) of Reference: Future of Florida's Families; Civil Justice; State Administration Appropriations; Health & Families Council

The bill includes a number of proposals that increase coordination between state and local agencies to establish orders for paternity and support, enforce the parent's responsibility to pay support, and ensure that the monies collected get to children and their families. Specific provisions in the bill include:

Paternity Establishment

The bill requires a feasibility study to be conducted on electronic processing of birth records, allows paternity to be established administratively based on genetic testing results of 99 percent or greater, allows amended birth record information to be available to the Department of Revenue (DOR or the department) without a court order, permits

genetic testing in correctional facilities based on an administrative order, and establishes a licensing application requirement for hospital paternity programs.

Support Order Establishment

The bill reduces retroactive support for noncustodial parents who agree to a support order, increases the number of cases that support orders can be established for by allowing parents who receive food stamps or Medicaid to be ordered to pay support if financially able to do so, and requires electronic processing of child support judicial actions.

Child Support Remittance and Distribution

The bill permits the posting of undistributed child support collection information on the Internet, provides for electronic disbursement of support to families, and requires electronic remittance of child support payments by certain employers.

Child Support Enforcement

The bill amends the procedure for reporting child support obligations to consumer reporting agencies, requires a method to transmit income withholding and medical support notices electronically, provides notice to the department when a judgment by operation of law is recorded, and improves criminal nonsupport procedures to increase the use of this enforcement tool for the most serious non-payers by removing the limitation of a remedy of last resort, the required notice to a noncustodial parent prior to commencing criminal action, and the requirement for a prior adjudication of contempt.

Medical Support

The bill provides a penalty for those employers who refuse to enroll children in available health plans after receiving notice of federal and state requirements to do so and permits data exchange between DOR and the Agency for Health Care Administration (AHCA) to ensure that children have health care coverage and increase the number of children with private coverage, when it is available.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005, except as otherwise provided.

CS/CS/CS/SB 1314 – Independent Living

By Health and Human Services Appropriations; Judiciary; Children and Families; Rich and others

Tied Bills: None

Iden./Sim Bills: HB 1319

Committee(s) of Reference: Children and Families; Judiciary; Health and Human Services Appropriations

CS/CS/CS/SB 1314 provides for a number of revisions to the independent living transition services program within the Department of Children and Families (DCF), including the following:

- Authorizes a child to petition the court at any time prior to the child's 19th birthday to extend the court's jurisdiction for a period of time not to exceed one year after his or her 18th birthday for purposes of determining whether appropriate independent living services were available and provided;

- Authorizes the court to retain jurisdiction for a period of time not to exceed the 22nd birthday for the purpose of allowing the continued consideration of a petition for special immigrant juvenile status and an application for adjustment of status;
- Provides for the court to encourage appointment of a guardian ad litem for children who are within 1 year of aging out of the foster care system;
- Adds new requirements that must be included in DCFs judicial review social study report for each judicial review hearing held after a child's 17th birthday;
- Authorizes a young adult who is eligible for the Road-to-Independence Scholarship Program to continue to reside in his or her foster placement or reside in another licensed foster home arranged by DCF;
- Requires DCF to enroll eligible young adults formerly in foster care in the Florida KidCare program;
- Requires the Independent Living Services Advisory Council to conduct a study to determine the most effective way to address the health insurance needs of young adults once they are no longer eligible for the KidCare Program; and
- Appropriates \$1.1 million from the General Revenue Fund to DCF to implement the provisions of the act.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/CS/CS/SB 1476 – Department of Children and Family

Services/Contracts/Service Provider

By Health and Human Services Appropriations; Governmental Oversight and Productivity; Children and Families; Campbell and others

Tied Bills: None.

Iden./Sim Bills: HB 1827 CS

Committee(s) of Reference: Children and Families; Governmental Oversight and Productivity; Health and Human Services Appropriations; Ways and Means

CS/CS/CS/SB 1476 requires that, when the Department of Children and Families (DCF) uses the exemption from competitive procurement set forth in s. 287.057(5)(f)13., F. S., to procure services from public postsecondary institutions, an opportunity must be provided for all accredited public postsecondary institutions to bid on the procurement. When this exemption is used it applies only to the contract between DCF and the postsecondary institution and not to any services or commodities provided by the postsecondary institution through a private vendor. DCF may procure and contract for or provide assessment and case-management services independently from treatment services.

The bill sets forth the requirements and processes for contract managers and contract monitors and requires that contract monitors be career service employees. The bill amends s. 409.1671 F.S., relating to foster care and related services, to conform language to the definitions contained in the bill. Section 402.72, F.S., relating to DCF contracts and contract management units, is repealed.

The bill also provides for two reviews and reports by the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) relating to DCFs contract-management and accountability structures.

The bill authorizes DCF to enter into agreements with a private contractor to finance, design, and construct a secure facility for sexually violent predators.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

Health Care General Committee

CS/CS/SB 186 – Sexually Transmissible Disease

By Judiciary; Health Care; Lynn

Tied Bills: None

Iden./Sim Bills: HB 1399

**Committee(s) of Reference: Health Care; Judiciary; Health and Human Services
Appropriations**

CS/CS/SB 186 amends sections 381.004, 384.025, and 384.31, Florida Statutes, and revises the circumstances under which a positive preliminary human immunodeficiency virus (HIV) test result may be released, to allow the release of the results of rapid testing technologies in accordance with the test manufacturer's instructions as approved by the federal Food and Drug Administration. In addition, the bill alters the requirement that a treating physician or midwife must offer HIV testing to pregnant women with the requirement that a treating physician or midwife routinely test for HIV, unless a pregnant woman specifically opts-out of the HIV test.

The bill revises the reporting requirements for healthcare professionals who diagnose and treat persons with sexually transmissible diseases, including HIV or acquired immune deficiency syndrome (AIDS), and for the laboratories that test for these diseases. In order for the state's reporting procedures to be current with reporting techniques, the bill updates the current statute to allow for reporting infection of HIV and AIDS based upon "a system" developed by the Centers for Disease Control and Prevention or "an equivalent system."

The bill specifies that each person who makes a diagnosis or treats a person with a sexually transmissible disease, and each laboratory that performs a test that concludes with a positive report for a sexually transmissible disease or a result indicative of HIV or AIDS, must report such facts to the Department of Health. The department must adopt rules specifying the maximum time period for reporting a sexually transmissible disease, including but not limited to HIV/AIDS.

This bill appears to have a minimal fiscal impact.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

SB 470 – Indigent Care Surtax

By Argenziano and others

Tied Bills: None

Iden./Sim Bills: HB 55 CS

**Committee(s) of Reference: Community Affairs; Government Efficiency
Appropriations; Health and Human Services Appropriations**

Currently, s. 212.055, F.S., authorizes counties to impose seven local discretionary sales surtaxes (taxes) on all transactions occurring in the county subject to the state tax imposed on sales, use, services, rental, and admissions. Three of these discretionary taxes can be used for purposes related to providing health care services or

infrastructure: 1) the Indigent Care & Trauma Center Surtax; 2) the County Public Hospital Surtax; and 3) the Voter-Approved Indigent Care Surtax. Each of these surtaxes has specific restrictions that limit which counties may seek each sales tax.

SB 470 amends subsection (7) of s. 212.055, F.S., to allow small counties to levy the Voter-Approved Indigent Care Surtax. Specifically, the bill authorizes counties with a population of fewer than 50,000 residents to levy the Voter-Approved Indigent Care Surtax of up to 1 percent rather than the 0.5 percent surtax authorized in existing law. In effect, the bill allows 26 counties to exercise this authority.

In counties with fewer than 50,000 residents, the bill expands their ability to issue bonds to finance, plan, construct, or reconstruct a public or not-for-profit hospital in the county and any land acquisition, land improvement, design, or engineering costs related to such hospital, if the governing body determines that a hospital in existence at the time of the issuance of the bonds would, more likely than not, otherwise cease to operate. The bill requires the clerk of the circuit court, as the ex-officio custodian of the funds of the authorizing county, to disburse the bonds to service bond indebtedness upon a directive from the authorizing county. The directive from the authorizing county may be irrevocably given at the time the bond indebtedness is incurred.

The bill provides a discretionary authority to impose and collect surtax in counties with a population of fewer than 50,000 residents. The 2003 Impact Conference estimated that if all eligible jurisdictions enact the levy, the statewide impact would be \$27.4 million cash and recurring in FY 2005-06.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 569 – Florida KidCare Program

By Garcia and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1324

Committee(s) of Reference: Health Care General; Future of Florida's Families; Health Care Appropriations; Health & Families Council

HB 569 amends sections 409.8132 and 409.8134, Florida Statutes, to allow year-round enrollment in the Florida KidCare program by removing statutory language limiting enrollment to January and September of each year. The bill requires the four Florida KidCare administrators to announce the year-round enrollment statewide.

The bill also provides that a KidCare application is valid for a period of 120 days from the date it was received. At the end of the 120 day period, if the applicant has not been enrolled in the program, the application is rendered invalid and the applicant must be notified of the action. The applicant may then resubmit the application after notification.

Enrollment in the program is based on the budget. When the enrollment ceiling is reached, enrollment will immediately cease. Year-round enrollment will only be held if the Social Services Estimating Conference determines that sufficient federal and state funds are available to finance the increased enrollment through federal fiscal year 2007.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 869 – Crohn's and Colitis Disease Research

By Sobel and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1926

Committee(s) of Reference: Health Care General; Health Care Appropriations; Health & Families Council

HB 869 creates the Crohn's and Colitis Disease Research Act and requires the Department of Health in conjunction with the University of Florida College of Public Health and Health Professions to conduct an epidemiological study of Inflammatory Bowel Disease (IBD) in Florida. The purpose of the study is to gain a better understanding of the prevalence of the disease, patient demographic characteristics, and the role that environmental and family history play in the development of the disease. The bill also creates an IBD study council to assist in conducting the study. The bill directs the department to report its findings to the Governor, the Senate President, and the Speaker of the House of Representatives by February 1, 2006.

The bill also directs the Agency for Health Care Administration to conduct a chronic disease study on Medicaid coverage for therapies, medical supplies, nutrition and other medically necessary food supplies, and therapies approved by the Food and Drug Administration for Crohn's disease and ulcerative colitis. The study will also include a review of the care and treatment in an outpatient or home health setting, Medicaid patient services, and Medicaid reimbursement policies and quality of life for patients affected by this disease. The bill directs the agency to report its findings to the Governor, the Senate President, and the Speaker of the House of Representatives by February 1, 2006.

HB 1885 (General Appropriations Act) appropriates \$75,000 in nonrecurring Tobacco Settlement Trust funds to support this legislation.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 1450 – Arthritis Prevention & Education Act

By Klein

Tied Bills: None

Iden./Sim Bills: HB 905 CS

Committee(s) of Reference: Health Care; Governmental Oversight and Productivity; Health and Human Services Appropriations

SB 1450 creates section 385.210, F.S. (the "Arthritis Prevention and Education Act,") to require the Florida Department of Health (DOH) to establish an arthritis prevention and education program and carry out other related duties, to the extent that funds are specifically made available. DOH is authorized to conduct a needs assessment to identify epidemiological and other state research on arthritis, available technical assistance and educational materials and programs, the level of public and professional awareness, individual, caregiver and family needs, educational and support service

needs of health care providers, and any needs and services available to persons with arthritis.

DOH must establish and coordinate a statewide partnership to collaborate and address arthritis issues within Florida. The statewide partnership on arthritis membership shall include, but is not limited to, persons with arthritis, public health educators, medical experts on arthritis, providers of arthritis health care, persons knowledgeable in health promotion and education, and representatives of national arthritis organizations and their local chapters. The bill directs DOH to use, but is not limited to, strategies consistent with the National Arthritis Action Plan and existing state planning efforts to raise public awareness and knowledge about the causes and nature of arthritis, personal risk factors, the value of prevention and early detection, ways to minimize preventable pain through evidence-based self-management interventions, and options for diagnosing and treating the disease.

The bill authorizes the Secretary of Health to accept grants, services, and property from various sources to fulfill the obligations of the program and to seek any federal waiver that may be necessary to maximize funds from the federal government.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

Health Care Regulation Committee

HB 307 – Physical Examinations

By Brown and others

Tied Bills: None

Iden./Sim Bills: SB 1042

Committee(s) of Reference: Health Care Regulation; Health & Families Council

HB 307 authorizes Advanced Registered Nurse Practitioners (ARNPs) licensed under chapter 464, F.S., and Physician Assistants (PAs) licensed under chapters 458 or 459, F.S., to perform physical examinations on security guards applying to carry a weapon permit and applicants for firefighter training.

A number of different security guard and private investigator classes are permitted to bear a firearm if they hold a class “G” license. As part of the class “G” licensing procedure applicants must pass a physical examination by a licensed physician. Firefighters are also required to pass a physical exam prior to entry into a training program. The bill will increase their ability to obtain an examination.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

CS/SB 366 – Health Care Practitioners

By Health Care; Peaden and others

Tied Bills: None

Iden./Sim Bills: HB 25 CS

Committee(s) of Reference: Health Care

CS/SB 366 amends chapter 456, F.S., and establishes a new disciplinary action within each professional practice act. The bill provides that the Department of Health (DOH) may discipline a practitioner who is enrolled in a treatment program for impaired practitioners and who is terminated from the program for failure to comply with his or her monitoring or treatment contract. The bill expands DOH authority to discipline health care practitioners who fail to successfully complete any drug or alcohol treatment program, not just a designated impaired practitioner program.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

CS/SB 474 – Nurses/Home Visits

By Health Care; Saunders

Tied Bills: None

Iden./Sim Bills: HB 1375 CS

Committee(s) of Reference: Health Care

CS/SB 474 requires a nurse registry providing services performed by a certified nursing assistant or home health aide to advise patients or their families that a registered nurse is available to visit the patient’s home to assess the patient’s condition for an additional cost. The bill amends s. 400.506, F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 478 – Podiatric Medicine

By Health Care; Clary

Tied Bills: None

Iden./Sim Bills: HB 259 CS

Committee(s) of Reference: Health Care

CS/SB 478 amends s. 461.014, F.S., relating to requirements for podiatric residency programs to match current training practices. The bill changes the requirements for hospitals to submit a semiannual list of podiatric residents to the Board of Podiatric Medicine to an annual report, because residency programs only admit students annually. Additionally, the bill extends from 2 to 3 years the period a residency program may allow a podiatric physician to continue as an unlicensed resident. Recently, the Council of Podiatric Medical Education expanded educational requirements for podiatric resident surgery programs to 3 years.

The bill authorizes a registered resident podiatric physician to prescribe medicinal drugs described in schedules set out in chapter 893, F.S. The bill provides that podiatric residents registered under the Board of Podiatric Medicine are subject to disciplinary provisions applicable to podiatric medicine.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 484 – Health Care/Nursing

By Health Care; Peaden and others

Tied Bills: None

Iden./Sim Bills: HB 739 CS

Committee(s) of Reference: Health Care; Criminal Justice; Health and Human Services Appropriations

CS/SB 484 changes licensure and supervisory standards for home health agencies and nurse registries in part IV of chapter 400, F.S. The bill eliminates required monthly home visits by a registered nurse. It extends licenses to a home health agency and nurse registry to two years instead of one year. A physician's assistant or an advanced registered nurse practitioner may establish and sign treatment orders for skilled services.

The bill alters the due date for receipt of applications for renewal of licenses from 90 days to 60 days prior to expiration of the license. The bill allows the Agency for Health Care Administration (AHCA) to accept a licensure survey from an AHCA-recognized accrediting agency instead of the required agency survey.

The bill requires an accountant to compile rather than simply sign financial information showing an applicant for home health licensure is able to operate. The bill authorizes AHCA to deny or revoke a license if the applicant has falsely represented a material fact or has omitted a material fact from the application.

The bill reduces the storage time for patient records. It also increases the fines, penalties, and enforcement abilities of AHCA. This bill creates a second degree

misdemeanor offense for continuing to operate an unlicensed home health agency or nurse registry for more than 10 days after AHCA orders a person to stop operating.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/CS SB 626 – Portable Restroom Contracting

By Health and Human Services Appropriations; Health Care; Constantine and others

Tied Bills: None

Iden./Sim Bills: HB 333

Committee(s) of Reference: Health Care; Government Efficiency Appropriations; Health and Human Services Appropriations

CS/CS/SB 626 establishes the regulatory authority for Department of Health (DOH) to register and license portable restroom contractors in a manner similar to septic tank contractors, based on recommendations from a technical review and advisory panel established by the 2001 Legislature.

The bill creates section 381.0069, F.S., and amends ss. 381.0061 and 381.0065, F.S., to authorize DOH to regulate, permit, and inspect the use of portable restrooms, mobile restrooms, mobile shower trailers, and associated waste water, and the companies that provide and service such facilities. It requires DOH to perform site evaluations and issue permits for the temporary use of stationary holding tanks.

The bill provides fee ranges for registration with authority to establish the fee by rule. According to DOH the costs of regulation will be fully supported by fees.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/CS/SB 662 – Hospitals/Hurricane Damage/Studies

By Governmental Oversight and Productivity; Community Affairs; Clary and others

Tied Bills: None

Iden./Sim Bills: HB 1125 CS; HB 1337 CS; HB 1633 CS; CS/CS/SB 1660; CS/SB 1662

Committee(s) of Reference: Health Care; Community Affairs; Governmental Oversight and Productivity

CS/CS/SB 662 requires four studies of health care issues in Florida. First, the bill addresses the damage many Florida hospitals faced during the severe 2004 hurricane season. Second, the bill addresses the growing cost of health insurance and the rising number of uninsured in Florida. Third, the bill addresses the interstate Nurse Licensure Compact. Finally, the bill addresses long-term care and hospices.

Hospital Hurricane Study

The bill creates a commission to study coastal hospitals that serve indigent populations and that sustained significant damage to their facilities during the 2004 hurricane season. The commission must identify all licensed hospitals serving indigent populations that are not able to comply with the Florida Building Code (FBC), that are located within 10 miles of the coastline, and that are located within a designated flood zone. The

commission must make recommendations that will allow these facilities to find alternative methods of complying with the FBC.

Health Insurance Study

The bill creates a 13 member health insurance plan study group to examine issues related to high deductible health insurance plans, including health savings accounts and the impact of these insurance plans on access to care and on hospitals. The study group must consider the ability of hospitals to collect co-payments, the assignment of benefit attestations, the standardization of subscriber identification cards, and standardization of claim edits.

Nurse Licensure Compact Study

The bill directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study to evaluate whether the State of Florida should join the interstate Nurse Licensure Compact that provides for reciprocal licensure for members of the compact. The study's scope shall include, but not be limited to, identifying the potential impact on the state's nursing shortage, benefits to the state, implementation barriers, and fiscal impact. OPPAGA is required to submit a report to the President of the Senate and the Speaker of the House by February 1, 2006.

Hospices

The bill directs OPPAGA and the Agency for Health Care Administration (AHCA) to issue a report on delivery of care to terminally ill patients and hospices. The bill specifically directs OPPAGA and AHCA to look into the option of licensing for-profit hospices. OPPAGA is required to submit a report to the Legislature by January 1, 2006.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 763 – Critical Access Hospitals

By Troutman and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1472

Committee(s) of Reference: Health Care Regulation; Health & Families Council

HB 763 provides that a critical access hospital is not required to have treatment facilities for surgery, obstetrical care, or similar services as long as it maintains the federal Medicare designation as a critical access hospital. The bill exempts critical access hospitals from the state hospital licensure requirement to offer surgical services so they are able to operate at a lower cost and provide needed services to individuals living in rural areas. Obstetrical care and similar services are already optional services for hospitals licensed under chapter 395, F.S.

The bill requires critical access hospitals to meet federal criteria provided for in the Social Security Act, including certification by the Secretary of the US Department of Health and Human Services. The bill updates the definition of a "rural hospital" in part III of chapter 395, F.S., to include a definition for critical access hospital.

The bill also extends the moratorium on the authorization of hospital off-site emergency departments to July 1, 2006.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

**CS/CS/SB 874 – The Sale and Distribution of Prescription Drugs
By Health and Human Services Appropriations; Health Care; Peaden
Tied Bills: None
Iden./Sim Bills: HB 489 CS
Committee(s) of Reference: Health Care; Health and Human Services
Appropriations**

CS/CS/SB 874 revises pedigree paper requirements that were implemented as part of the 2003 reform of the Florida Drug and Cosmetic Act. The reform was in response to the Seventeenth Statewide Grand Jury and the 2003 OPPAGA report on drug fraud and diversion.

Pedigree papers are the key standard for control of the wholesale drug industry to prevent drug diversion, fraud, and counterfeiting. They require wholesalers to provide purchasers with a written sales history tracing each drug back to its initial manufacturer. These written histories, commonly referred to as pedigree papers, provide an audit trail and contain specific information about each sales transaction, such as the name and address of each previous purchaser of the drug.

The bill makes several changes to current law.

- The bill removes a sunset provision in section 499.0121, F.S., to continue a current policy that allows a chain drug store warehouse that is part of an “affiliated group,” to distribute a prescription drug to another warehouse within the chain drug store’s “affiliated group” without having to provide a pedigree paper. In place of a pedigree paper a repackager that is a member of the chain drug store’s affiliated group must provide a statement of the source of the repackaged prescription drugs it distributes to affiliated group member pharmacies. The pedigree paper is held by the affiliated warehouse and the affiliated retail pharmacy must be able to provide it within 48 hours to document the sources of its drugs.
- The bill amends s. 499.003, F.S., to specify that a pedigree paper may be in either paper or electronic form and requires a pedigree paper to include an invoice number, shipping document number, or other invoice number to identify the transaction. Additionally, if the manufacturer or repackager has placed a unique number on the individual legend drug unit, that identifier must also be included on the pedigree paper.
- The bill amends s. 499.012, F.S., to allow merged pharmacies to share their prescription drug inventories.
- The bill prohibits the Agency for Health Care Administration from withholding Medicaid payments for pedigree paper violations.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 1041 – Women's Health Care

By Bean and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1862

Committee(s) of Reference: Health Care Regulation; Health & Families Council

HB 1041 amends s. 390.012, F.S., to create the “Women’s Health and Safety Act” to regulate abortion clinics that provide second and third trimester abortions.

The bill establishes minimum rules for an abortion clinic’s physical facilities, clinic supplies and equipment standards, clinic personnel, medical evaluation of each abortion, abortion procedures, recovery room standards, follow-up care, and incident reporting.

The bill clarifies that rules promulgated may not impose an unconstitutional burden on a women’s freedom to decide whether to terminate her pregnancy.

The bill provides for a severability clause. If a court finds any portion of the bill unconstitutional the rest of the bill is still valid.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

CS/SB 1094 – Blood Donor Protection Act

By Governmental Oversight and Productivity; Smith

Tied Bills: None

Iden./Sim Bills: HB 361 CS

Committee(s) of Reference: Health Care; Governmental Oversight and Productivity

CS/SB 1094 creates section 381.0043, F.S., as the “Blood Donor Protection Act.” The bill provides that a blood bank, subsidiary, affiliate, employee, or agent of a blood bank may not be compelled to disclose the identity or identifying characteristics of any donor for litigation or other purposes. However, the bill provides that if the donor gives written consent, or if any local, state, or federal governmental public health authority requires disclosure by law, the blood bank may reveal the identity of the donor or identifying characteristics of the donor.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

SB 1122 – Third-Party Liability

By Saunders

Tied Bills: None

Iden./Sim Bills: HB 581

Committee(s) of Reference: Health Care; Banking and Insurance; Government Efficiency Appropriations

SB 1122 provides the Agency for Health Care Administration (AHCA) more tools to help recover Medicaid payments from estates or other parties. The federal Omnibus Budget Reconciliation Act (OBRA) of 1993 requires states to recover the costs of certain Medicaid long-term care services after the death of Medicaid recipients aged 55 years or

older. Florida Medicaid seeks recovery on all items and services paid on behalf of the beneficiary.

The bill amends s. 213.053, F.S., to expand a statutory reference that will facilitate the sharing of tax information between the Department of Revenue and AHCA in order to collect more payments under the Medicaid Estate Recovery Act.

The bill amends s. 409.910, F.S., to clarify that third-party administrators and pharmacy benefit managers must provide claims data to AHCA so that the agency's third-party liability contractor can conduct data matches. This provides AHCA the data it needs to successfully carry out third-party recovery efforts.

The bill amends s. 733.2121, F.S., to require that the personal representative of a Medicaid recipient who has died submits a copy of the death certificate to AHCA as part of the current mandatory "notice of creditors." Death certificates contain Social Security numbers and indicate whether or not there is a surviving spouse. These two key pieces of information will help AHCA identify estates that owe the state money, and prevent AHCA from filing a statement of claim when there is a surviving spouse.

AHCA estimates that implementation of this bill could annually recoup \$300,000 from Medicaid estate and third-party recovery. After subtracting administrative costs, \$166,275 would be returned to the federal Medical Care Trust Fund and \$116,025 would be returned to the state Administrative Trust Fund.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 1180 – Practice of Medicine

By Health Care; Campbell

Tied Bills: None

Iden./Sim Bills: HB 521 CS

Committee(s) of Reference: Health Care

CS/SB 1180 amends chapter 458, F.S., relating to the practice of medicine. The bill adds a "consumer" representative to the Board of Medicine for a total of 17 members. The consumer member must be a resident of the state and cannot be licensed as a health care practitioner.

The bill stipulates that the five "consumer" members must:

- Have never been licensed as a health care practitioner under chapter 456, F.S.; and
- Have not ever had a substantial personal or financial connection with a licensed health care practitioner, medical education, or health care facility, except as patients or potential patients.

The appointment of the new board member will take effect on November 1, 2005. The bill clarifies that the addition of a new board member should not be construed to end the terms or appointments of any current members.

The bill specifies that physician members must possess an unrestricted medical license, and either actively practice, or teach and be eligible to practice medicine with the state. The bill increases the amount of time a physician must have been in practice or teaching prior to appointment to the board from four to five years. The bill also stipulates that board members must meet all requirements to maintain their membership.

The bill includes additional provisions that:

- A practitioner may defend themselves against an alleged violation if they relied in good faith on the representations made by a drug manufacturer or its representatives and did not intentionally attempt to violate the law.
- A probable cause panel considering disciplinary action against a licensed physician assistant is required to include a licensed physician assistant, unless one is not available.
- Individuals who wish to be licensed as a physician have an option to complete a 2-year externship at any Board of Medicine approved hospital in place of a required 1-year residency.

Subject to the Governor's veto powers, this bill will take effect upon becoming a law.

HB 1651 – Chiropractic Education

By Patterson and others

Tied Bills: None

Iden./Sim Bills: SB 2640

Committee(s) of Reference: Health Care Regulation; Health & Families Council

HB 1651 allows a chiropractic college to establish an internship program at a college-based clinic.

The bill amends s. 400.9905, F.S., of the Health Care Clinic Act, to exempt a chiropractic clinic from certain licensure requirements when it is affiliated with an accredited college of chiropractic and provides training for chiropractic students. The provision is similar to that for clinical facilities affiliated with an accredited medical school.

The bill provides a definition of “chiropractic college clinical internship,” and provides this internship option to chiropractic students.

Subject to the Governor's veto powers, this bill takes effect upon becoming a law.

CS/SB 1868 – Poison Control Centers

By Health Care; Atwater and others

Tied Bills: None

Iden./Sim Bills: HB 1209 CS

Committee(s) of Reference: Health Care

CS/SB 1868 addresses the release of patient records to poison control facilities for patient case management and for state and federal data reporting requirements.

Poison control centers play a significant role in assessing, triaging, managing, and monitoring known and suspected poisonings in Florida, and in protecting the public

health. Poison control centers perform epidemiological surveillance and may be the first line of defense in the event of a bioterrorism attack. Poison control centers need access to patient information in order to better care for poisoned patients.

The Legislature tried to address this issue in 2004 by passing SB 2448. SB 2448 included a provision that required licensed facilities to release patient information to regional poison control centers for patient case management. However, this provision only captured hospital records, not private medical centers or physician offices. The poison control centers are still experiencing difficulties accessing patient information, and are concerned about meeting state and federal reporting requirements.

The bill amends ss. 395.1027, 395.3025, and 456.057, F.S., to authorize the release of patient information to regional poison control centers that is relevant to the episode under evaluation for treatment or case management of poison cases, and necessary to comply with data collection and reporting requirements of state and federal law. The requirements in the bill apply to patient records in licensed facilities, including physician offices and private medical centers.

The bill extends the moratorium on the authorization of hospital off-site emergency departments to July 1, 2006.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

SB 2268 – Athletic Trainers

By Fasano

Tied Bills: None

Iden./Sim Bills: HB 1061 CS

Committee(s) of Reference: Health Care; Education

SB 2268 makes substantial changes to part XIII of chapter 468, F.S., regulating the profession of athletic training. The bill addresses the following licensure requirements:

- Removes the requirement for National Athletic Trainers' Association certification and replaces it with completion of an approved athletic training curriculum from an accredited college or university, or a program approved by the Board of Athletic Trainers;
- Removes the required 800 hours of direct supervised athletic training experience within a 2 year period and replaces it with the requirement that an applicant for licensure has practiced for 3 of the 5 years preceding their application;
- Provides that a licensed athletic trainer may possess certification as an educator, but that it is no longer mandatory;
- Requires educational programs to replace teacher athletic trainers with licensed athletic trainers;
- Removes the employment classification of a first responder from a school district's athletic injuries prevention and treatment program;
- Requires licensed athletic trainers to be certified in basic CPR; and
- Provides stricter enforcement grounds for practicing athletic training without a license by removing the provision related to acts associated with compensation, so

practicing without a license as an athletic trainer is no longer limited to those being paid as a trainer.

Subject to the Governor's veto powers, this bill takes effect upon becoming a law.

SB 2452 – Pharmacy Technicians

By Aronberg

Tied Bills: None

Iden./Sim Bills: HB 1107

Committee(s) of Reference: Health Care

SB 2452 amends s. 465.014, F.S., to expand the scope of practice for pharmacy technicians who dispense prescription drugs for animals.

Pharmacy technicians are employed by online veterinary pharmacies to pack animal prescription drugs into boxes for mailing, to contact prescribing veterinarians to renew prescriptions, and to contact animal owners to clarify personal information. Currently, pharmacy technicians are supervised by a pharmacist at a 1:1, 2:1, or 3:1 ratio, depending on approval from the Board of Pharmacy.

The bill allows pharmacy technicians, working under the supervision of a pharmacist, to initiate or receive requests for original prescriptions when dispensing prescriptions for animals. The bill increases the number of pharmacy technicians a pharmacist can supervise when dispensing drugs for animals to a maximum of five.

Online veterinary prescription drug companies receive orders for animal prescriptions via fax. A pharmacist must contact the prescribing veterinarian office to verify the prescription or possess the original copy of the prescription before dispensing. Online pharmacists have found receiving verification from the prescribing veterinarian office problematic. Essentially, the online animal pharmacy must contact the competition before they can dispense an animal prescription drug. If the online animal pharmacies wait until the original prescription reaches them via postal mail, it puts a long delay on prescription dispensing, thus decreasing their competitive advantage.

The bill amends s. 465.035, F.S., to allow pharmacies to dispense animal prescriptions from a fax of the original prescription.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

SB 2574 – Dentistry

By Atwater and others

Tied Bills: None

Iden./Sim Bills: HB 325 CS

Committee(s) of Reference: Health Care

SB 2574 makes several changes in the Dentistry Practice Act in chapter 466, F.S., related to dentistry. The bill:

- Provides term limits for members of the Board of Dentistry to ten years;

- Allows dentists to take the state clinical examination administered by the Department of Health in lieu of a national examination;
- Authorizes the Board of Dentistry to allow up to three elective credit hours biannually for a course on practice management;
- Revises storage requirements for dental work orders, such that dentists or unlicensed persons in dental labs are required to maintain copies of work orders for 4 years rather than 2 years; and
- Allows dental programs, which have been accredited by January 1, 2005, to be treated the same as dental schools in regard to issuing teaching permits.

The bill makes the following changes related to dental hygienists:

- Decreases the postsecondary educational requirement for dental hygienist licensure by a year. This allows graduates of an unaccredited dental college or school, who possess a dental school diploma comparable to a D.D.S. or D.M.D., to submit transcripts totaling 4 academic years of postsecondary dental education for licensure as a dental hygienist;
- Revises the appointment of members to the Council on Dental Hygiene (council) to require that the three dental hygienist members be actively engaged in the practice of dental hygiene in Florida and recommended by the Florida Dental Hygienists Association. It requires the council to meet at least three times each calendar year; and
- Requires the Board of Dentistry to consider rule and policy recommendations of the Council on Dental Hygiene in the same manner as it considers rule and policy recommendations from designated subcommittees of the board. Any rule or policy proposed by the board pertaining to dental hygiene must be referred to the council for a recommendation before final action by the board. The Board of Dentistry may take final action on rules pertaining to dental hygiene without a council recommendation if the council fails to submit a recommendation in a timely fashion as prescribed by the board.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HOUSE OF REPRESENTATIVES

Justice Council

Representative Bruce Kyle, Chair
Representative Carl J. Domino, Vice Chair

2005 SUMMARY OF PASSED LEGISLATION



Civil Justice Committee

Representative Mark Mahon, Chair
Representative Irving L. "Irv" Slosberg, Vice Chair

Claims Committee

Representative John "Q" Quinones, Chair
Representative Phillip J. Brutus, Vice Chair

Criminal Justice Committee

Representative Dick Kravitz, Chair
Representative Wilbert "Tee" Holloway, Vice Chair

Judiciary Committee

Representative David Simmons, Chair
Representative Juan-Carlos "J. C." Planas, Vice Chair

Juvenile Justice Committee

Representative Faye B. Culp, Chair
Representative Mitch Needelman, Vice Chair

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Civil Justice Committee

HB 75 – Title Insurance

By Mahon and others

Tied Bills: None

Iden./Sim Bills: CS/SB 638

Committee(s) of Reference: Civil Justice; Insurance; Justice Council

This bill expands the definition of title insurance to include personal property, specifically insuring the interests of owners and secured parties of the existence, attachment, perfection, and priority of security interests in personal property under the Uniform Commercial Code. The bill expands the definition of “primary” and “related” title services to include searches of the records of a Uniform Commercial Code filing office and other information as may be necessary. The bill also requires the search of Uniform Commercial Code filing office records as part of the evidence of a title search and examination. Determination of insurability of title shall include determination of the existence, attachments, perfection, and priority of a Uniform Commercial Code security interest. Preservation of evidence of a title search shall include preservation and retention of the records of a Uniform Commercial Code filing office.

The bill requires the Office of Insurance Regulation to promulgate rates and forms for the sale of Article 9 title insurance by January 1, 2006. The other provisions of the bill shall take effect upon the approval of such rate and forms.

Subject to the Governor’s veto powers, this bill shall take effect upon becoming a law.

HB 113 – Construction Contracting

By Dean and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1016

Committee(s) of Reference: Civil Justice; Growth Management; Business Regulation; Justice Council

Florida’s Construction Lien Law provides that a person that improves real property may file a lien against the improved property as a means to enforce payment. HB 113 amends the construction lien law to prevent surety bond companies from placing certain restrictions in payment and performance bonds. The bill doubles the administrative fine limit against contractors from \$5,000 to \$10,000 and elevates the misapplication of construction funds less than \$20,000 but more than \$1,000 from a third degree felony to a second degree felony.

This bill provides that if a contract is rendered unenforceable because a contractor is found to be unlicensed, the rights of other persons to enforce the contract, lien, or bond remedies shall not be affected and a surety company remains liable. It extends the proper payment defense to subdivision improvements and requires that the owner obtain a final contractor’s affidavit before making the final payment in order for the owner to use the defense.

The bill amends construction lien law notice requirements in construction contracts by reducing the font size required in the notice but requiring the notice to be on the front page of the contract.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

CS/SB 152 – Alimony
By Judiciary; Siplin
Tied Bills: None
Iden./Sim Bills: HB 1181 CS
Committee(s) of Reference: Judiciary

The bill provides that a court may reduce or terminate an award of alimony upon a written finding that, since the time the divorce was granted and the award of alimony was ordered, a supportive relationship has existed between the obligee and a person with whom the obligee resides, and to whom the obligee is not related by consanguinity or affinity.

The obligor has the burden of proving by a preponderance of the evidence that a supportive relationship exists. The bill provides a list of factors to be considered by the court in determining whether to reduce or terminate alimony. The bill does not abrogate the requirement that every marriage be solemnized under a license, and the bill recognizes neither a common law marriage nor a "de facto" marriage as a valid marriage.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 166 – Child Support
By Aronberg and others
Tied Bills: None
Iden./Sim Bills: HB 87 CS
Committee(s) of Reference: Children and Families; General Government
Appropriations

This bill requires the Department of Children and Families to make reasonable efforts to locate persons to whom undistributable child support collections or refunds are owed. These efforts may include a searchable Internet database of the names of obligees, obligors, and their account numbers, in compliance with s. 119.01(2)(a), F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 291 – Condominiums
By Evers and Coley and others
Tied Bills: None
Iden./Sim Bills: CS/SB 1492
Committee(s) of Reference: Civil Justice; Business Regulation; Justice Council

HB 291 amends s. 718.301, F.S., to add that prior to the developer relinquishing control of the association, actions taken by members of the board of administration for a

condominium association designated by the developer are considered actions taken by the developer, and the developer is responsible to the association for those actions. This change expands what a developer may be held responsible for from violations made by a developer-appointed board to also include any “actions” made by the board.

Additionally, the bill provides that in any claim by an association against a developer alleging a defect in design, structural elements, construction, or any mechanical, electrical, fire protection, plumbing or other element that require a licensed professional for design or installation under chapter 455 (Business & Professional Regulation: General Provisions), chapter 471 (Engineering), chapter 481 (Architecture), chapter 489 (Contracting), or chapter 633 (Fire Prevention and Control), the defect must be examined and certified by the appropriately licensed professional.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

CS/CS/SB 370 – Satisfaction of Debts

By Justice Appropriations; Judiciary; Campbell

Tied Bills: None

Iden./Sim Bills: HB 427 CS

Committee(s) of Reference: Judiciary; Justice Appropriations

CS/CS/SB 370 makes clarifying and technical changes to provisions in Florida law relating to judgment liens, garnishment, and security interests in mortgages. The bill amends various sections of statute to:

- Clarify provisions relating to the responsibilities of a clerk of court regarding the satisfaction of a judgment lien;
- Clarify provisions relating to the timing for filing a judgment lien certificate;
- Clarify provisions regarding instructions to the sheriff and recordkeeping by the Department of State;
- remove an unnecessary sentence which has been read to require the filing of a judgment lien certificate as a condition precedent to seeking garnishment;
- Make clarifying changes to the “Uniform Out-of-Country Foreign Money-Judgment Recognition Act”;
- Make clarifying changes to provisions relating to the execution of liens and execution sales to recognize the possibility of multiple judgment lien creditors and give control over the mailing of notices to the sheriff;
- Recognize that provisions of s. 56.27, F.S., apply to liens on real property, as well as liens on personal property;
- Remove the unnecessary requirement of delivery of a writ of execution prior to initiating proceedings supplementary to execution when the judgment debtor has no property available for a judgment lien;
- Permit judgment holders to choose either a writ of execution or writ of garnishment to collect a judgment;
- Extend to at least one business day the amount of time a garnishee has to act on a writ of garnishment;
- Extend by one business day the amount of time in which a judgment holder must object to a judgment debtor’s claims of exemption from garnishment;

- Provide that if a plaintiff does not file a dismissal or motion for final judgment within 6 months of filing a writ of garnishment, the writ expires automatically, unless the plaintiff files for an extension;
- Provide that a homestead property owner may use the notice of homestead provisions for liens based on foreign judgments;
- Provide a clarifying reference within the definition of “lien creditor” in the Uniform Commercial Code provisions of Florida law relating to secured transactions;
- Clarify that a security interest in a mortgage is perfected by possession or filing of the promissory note made in connection with the mortgage; and
- Clarify that for transactions involving real property creditors and subsequent purchasers, interested parties may rely on the records filed with the clerk of court as opposed to Uniform Commercial Code filings.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

CS/SB 512 – Protective Injunctions

By Children and Families; Aronberg and others

Tied Bills: None

Iden./Sim Bills: HB 1667 CS

Committee(s) of Reference: Judiciary; Children and Families

This bill amends s. 784.046, F.S., to allow a parent filing a petition for a protective injunction against repeat, sexual, or dating violence on behalf of a minor child living at home to base such petition on reasonable cause that the child is a victim of repeat, sexual, or dating violence, when the petition is against a person who is not also a parent, stepparent, or guardian of the child. If the petition is filed by a parent or guardian against a parent, guardian, or stepparent, the petition must be based on the parent’s eyewitness, the affidavit of another eyewitness, or upon direct physical evidence.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

HB 523 – Evidence

By Flores and others

Tied Bills: None

Iden./Sim Bills: CS/SB 988

Committee(s) of Reference: Civil Justice; Judiciary; Justice Council

This bill repeals s. 90.602, F.S., which provides that “[n]o person interested in an action or proceeding against the personal representative, heir at law, assignee, legatee, devisee, or survivor of a deceased person, or against the assignee, committee, or guardian of a mentally incompetent person, shall be examined as a witness regarding any oral communication between the interested person and the person who is deceased or mentally incompetent at the time of the examination,” with exceptions for the testimony of certain interested persons.

The bill creates a new hearsay exception allowing statements by an unavailable declarant, similar to one previously offered by an adverse party and admitted into evidence, to be used in a proceeding against a specified category of persons.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 531 – Certificates of Releases for Mortgages

By Hasner and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1258

Committee(s) of Reference: Civil Justice; Economic Development, Trade & Banking; Justice Council

HB 531 creates a new section of statute to allow title insurers to execute a certificate of release and record the certificate of release if a satisfaction or release of the mortgage has not been executed and recorded after the loan is paid in full. This certificate of release must be recorded in the real property records of each county in which the mortgage is recorded. This bill will address situations where a mortgage is paid but the documents showing the mortgage is paid are not timely filed.

This bill provides that a certificate of release operates as a release of the mortgage described in the certificate of release. Recording of certificate of release by a title insurer does not relieve the mortgagor from any personal liability on the loan or other obligations secured by the mortgage. A certificate of release filed pursuant to this bill serves to fulfill the obligation of the mortgagee or mortgage servicer to file a satisfaction or release of the mortgage. This bill's provisions relating to a certificate of release only apply to mortgages in the principal amount of \$500,000 or less.

This bill provides specific requirements for delegation of the authority to execute the certificate of release by a title insurer and provides that delegation to an agent does not relieve the title insurer of any liability for damages caused by its agent for the wrongful or erroneous execution of a certificate of release. The bill provides that a title insurer liability and provides defenses to claims of title insurer liability.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 551 – Financial Responsibility for Operation of Motor Vehicles

By Hays and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1030

Committee(s) of Reference: Civil Justice; Insurance; Justice Council

HB 551 expands the scope of the definition of the term "rental company" to include a related rental or leasing company that is a subsidiary of the same parent company of the renting or leasing company. The definition is further expanded to include the holder of a motor vehicle title or an equity interest in a motor vehicle title if the title or equity interest is held under or to facilitate an asset-backed securitization of a fleet of motor vehicles used solely in the business of renting or leasing motor vehicles to the general public and under the dominion and control of a rental company in the operation of such rental company's business. The expanded definition allows the holder of title or related rental or leasing company to qualify for the protections in s. 324.021(9)(b)2., F.S., which provides that a rental company is liable for the operation of the vehicle or the acts of the operator only up to \$100,000 per person and up to \$300,000 per incident for bodily

injury, and up to \$50,000 for property damage. This change reflects the business arrangements that several of the larger rental car companies have established with the holders of the motor vehicle titles of the rental cars.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 660 – Assets Held in Benefit Plans

By Banking and Insurance; Carlton and Posey

Tied Bills: None

Iden./Sim Bills: HB 667 CS

Committee(s) of Reference: Judiciary; Banking and Insurance

CS/SB 660 revises several provisions of law related to estate and tax planning.

The bill provides that moneys paid into or paid out of and the income of certain qualified tuition programs, Coverdell Education Savings Accounts, a health or medical savings account, or a hurricane savings account are exempt from creditor claims. The bill provides that a hurricane savings account will only be exempt if the Federal government provides tax deferred status to a hurricane savings account or similar account in the future.

The bill broadens the definition of the term "benefit plan" to mean a retirement plan that may include, but is not limited to, any pension, profit-sharing, stock bonus, or stock-ownership plan or individual retirement account. The bill provides that these benefit plans may be delivered to a custodian for the benefit of a minor, to a trustee designated by the owner of the benefit plan upon the death of the owner, or to a child's parents as natural guardians. The bill also raises from \$10,000 to \$15,000 the amount that may be given to a custodian by certain persons without court involvement.

Additionally, the bill defines the term "qualified minor's trust" as a trust that complies with s. 2503(c) of the Internal Revenue Code of 1986. That code provision requires that trusts for the benefit of persons under the age of 21 distribute their assets to the beneficiary when the beneficiary reaches the age of 21. The bill further provides that an adult custodian of property for a minor may transfer the custodial property into a qualified minor's trust.

The bill clarifies that "tax qualification" is sufficient to qualify for creditor exemption and strengthens the exemption from creditors' claims for Individual Retirement Accounts and employee benefit funds or accounts exempt from taxation under the Internal Revenue Code.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 798 – Minor/Termination/Pregnancy/Public Records

By Governmental Oversight and Productivity; Webster and others

Tied Bills: HB 1659; CS/SB 1908

Iden./Sim Bills: None

Committee(s) of Reference: Judiciary; Governmental Oversight and Productivity; Justice Appropriations; Ways and Means; Rules and Calendar

CS/SB 798 expands the current public records exemption relating to the judicial waiver of the requirement that a physician performing an abortion on a minor notify the minor's parent or guardian. Current law exempts documents related to the petition for waiver that might identify the minor from disclosure. This bill expands the exemption to include all records held by a circuit or appellate court that could be used to identify the minor.

Subject to the Governor's veto powers, the effective date of this bill is upon HB 1659 becoming a law.

HB 897 – Trusts and Other Agency Relationships

By Hukill and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1688

Committee(s) of Reference: Civil Justice; Economic Development, Trade & Banking; Justice Council

HB 897 addresses four areas of trust law. The bill amends the Uniform Transfer on Death Security Registration Act to allow investment accounts at banks and trust companies to be held in joint accounts and other types of accounts with a survivorship feature. The bill also provides a procedure for a trustee to resign after notice to all interested parties, or with approval of a court. Further, the bill provides that trustees who are involved in court proceedings may pay their attorney fees from assets of the trust account without prior court approval, except when the litigation includes a claim or defense based upon a breach of trust by the trustee. Finally, the bill provides several changes to the Florida Uniform Principal and Income Act, including:

- Providing that it is not a conflict of interest for a trustee whose compensation is based on the value of the trust to make adjustments which affect the value of the trust;
- Providing that a unitrust plan may go into effect 60 days after service of the plan to the beneficiaries, without regard to proof of receipt of the plan;
- Amending s. 738.1041(12), F.S., to provide that the unitrust election is available for any trust administered under the laws of Florida;
- Allowing a settler of a trust to create a unitrust from the inception of the trust;
- Providing special rules for money or property received by a private trustee from entities for determining whether the money or property is income or principal; and
- Repealing several sections of law rendered unnecessary following the adoption of new regulations by the Internal Revenue Service.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 904 – Privatization of Foster Care

By Dockery

Tied Bills: None

Iden./Sim Bills: HB 87 CS

Committee(s) of Reference: Children and Families; Governmental Oversight and Productivity

This bill provides that a lead community-based provider and its subcontractors are

exempt from including the statement "sponsored by the State of Florida" or the logo of the Department of Children and Families in written contracts and other written documents, unless the provider or its subcontractors receive more than 35 percent of their total funding from the state.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 1019 – Asbestos and Silica Claims

By Pickens and others

Tied Bills: None

Iden./Sim Bills: CS/SB 2562

Committee(s) of Reference: Civil Justice; Judiciary; Justice Council

HB 1019 creates the "Asbestos and Silica Compensation Fairness Act." To file or maintain a civil action for damages or other civil or equitable relief based on the health effects of exposure to asbestos or silica, the bill requires plaintiffs to make a prima facie showing of actual physical impairment based on certain specified medical criteria in the case of a nonmalignant asbestos claim; an asbestos-related claim by a smoker for cancer of the lung, larynx, pharynx, or esophagus; an asbestos-related claim based on cancer of the colon, rectum, or stomach; and certain silica-related diseases. The bill does not require plaintiffs to make any prima facie showing for mesothelioma, or for asbestos-related claims based on cancer of the lung, larynx, pharynx, or esophagus.

The bill also requires a plaintiff to file with a court a written report and supporting test results constituting prima facie evidence of physical impairment. A plaintiff's claim must be dismissed without prejudice if the required prima facie showing is not made. A claimant making the required prima facie showing will not be presumed at trial to be impaired by an asbestos-or silica-related condition, or to have conclusively established the liability of any defendant. The presentation of the required prima facie evidence under the bill will not be admissible at trial.

The bill provides that the statute of limitations does not begin to run until the exposed person discovers or should have discovered the physical impairment. The bill also provides that no punitive damages may be awarded in any asbestos or silica-related claim, and further, no damages may be awarded for fear or risk of cancer. The bill requires plaintiffs to disclose collateral source payments and requires the court to permit setoffs. The bill also limits the circumstances in which a product seller other than the manufacturer can be held liable for an asbestos or silica-related claim, and specifies the circumstances in which a product seller will not be considered to have failed to exercise reasonable care based upon an alleged failure to inspect.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 1184 – Transportation Access

By Community Affairs; Fasano

Tied Bills: None

Iden./Sim Bills: HB 351 CS

Committee(s) of Reference: Judiciary; Community Affairs

Currently, a statutory way of necessity is provided for landlocked property within an unincorporated area if the property is used for dwellings or certain agricultural purposes. CS/SB 1184 amends the law to allow the same statutory way of necessity for landlocked property located in municipalities or if land becomes landlocked by accretion, reliction, or other natural process. The bill also clarifies that a statutory way of necessity is available to landlocked property if the property is accessible via private road but the owner of the landlocked property does not have a legal right to use the private road. The bill also makes clear that when an easement is awarded under this remedy, the easement remains in existence so long as the easement is reasonably necessary. The bill also provides that if the changes made by the bill are found unconstitutional by a court, and such decision is upheld on appeal, then the law that was in existence prior to the amendments is reenacted.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 1312 – Recreational Vehicles

By Commerce and Consumer Services; Carlton

Tied Bills: None

Iden./Sim Bills: HB 293 CS

Committee(s) of Reference: Commerce and Consumer Services; Judiciary; Justice Appropriations

The bill establishes the RV mediation and arbitration pilot program as a permanent program for the mediation of disputes between RV manufacturers and consumers. Qualifying programs must contain safeguards against undue influence by the manufacturers and must provide for regular training of the mediators and arbitrators, and program administration must be sufficiently insulated from undue influence by the manufacturers. The program administrator is to determine which disputes are eligible for participation in the program, and consumers whose disputes do not qualify may file civil causes of action.

If any manufacturer involved in an eligible consumer dispute is not qualified to participate in the program, the consumer shall not be required to participate. The Department of Legal Affairs shall revoke or refuse to grant qualification to any program that fails to comply with the rules of the department and the requirements of sections 681.1096 and 681.1097, F.S. For disputes that are not deemed eligible by the program administrator, the consumer may file a civil cause of action. Mediation and arbitration may be expanded, at the consent of the parties, to include warranty claims against the manufacturer that do not fall within the scope of the chapter. If necessary, a consumer may apply to a court of competent jurisdiction for entry of an order confirming an arbitration award.

The bill also requires the Department of Transportation to establish a specific RV-friendly marker, to include the marker on specific information logo signs, and to endorse the use of the marker by RV friendly establishments.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 1368 – Disclaimer of Property Interests Act**By Judiciary; Aronberg****Tied Bills: None****Iden./Sim Bills: HB 1665 CS****Committee(s) of Reference: Judiciary**

CS/SB 1368 enacts the “Florida Uniform Disclaimer of Property Interests Act.” The bill unifies ss. 689.21 and 732.801, F.S., so that disclaimers of property are addressed in one chapter, Chapter 739, regardless of whether the property is the result of a testamentary or non-testamentary instrument. By establishing that Chapter 739 is the exclusive means by which a disclaimer may be made under Florida law, the bill abrogates the application of the common law for disposition of disclaimed property interests. In providing one avenue for disposition of disclaimers, procedures for and consequences of disclaimers may be more predictable because the statute would not be subject to changing court decisions.

The bill permits fiduciaries to disclaim assets or fiduciary powers subject to court approval. By defining “disclaimer” to include “refusal to accept an interest in power over property,” the scope of disclaimer is broadened to include any power over property that gives the powerholder a right to control property, whether it is cast in the form of power of appointment or a fiduciary’s management power over property or discretionary power of distribution over income or corpus. The bill also provides that, except under certain circumstances, an interest in or power over property existing on July 1, 2005, may be disclaimed after July 1, 2005. Finally, the bill also addresses under what circumstances a disclaimer has failed and will be considered ineffective.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

HB 1459 – Liens on Commercial Real Estate**By Brown and others****Tied Bills: None****Iden./Sim Bills: CS/SB 2036****Committee(s) of Reference: Civil Justice; Economic Development, Trade & Banking; Justice Council**

HB 1459 creates Part III and Part IV of ch. 475, F.S. Part III creates the “Commercial Real Estate Sales Commission Lien Act” and provides a sales broker with the power to place a lien on an owner’s proceeds from a commercial real estate transaction when there is a dispute over the broker’s commission. The proceeds are placed in the registry of the court until the dispute is resolved, but the closing may proceed and the buyer should be able to take clean title to the commercial real estate. Currently, a broker is entitled to a lien on property for nonpayment of commission only if the broker is expressly authorized to do so in a contractual agreement. Part IV creates the “Commercial Real Estate Leasing Commission Lien Act” and provides a broker in a lease transaction with the power to place a lien on an owner’s interest in commercial real estate for any commission earned by a broker under a brokerage agreement. The lien is on the commercial real estate itself. The also bill provides legal procedures and requirements for filing a lawsuit to enforce a lien, resolve payment of commission owed, and procedures for the release of parties from liens.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HB 1659 – Termination of Pregnancies

By Kottkamp and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1908

Committee(s) of Reference: Civil Justice; Justice Council

In 2004, the voters approved an amendment to the state constitution to permit the Legislature to require by general law for notification to a parent or guardian of a minor before the termination of the minor's pregnancy. The amendment requires the Legislature to provide exceptions to such requirement for notification and to create a process for judicial waiver of the notification.

HB 1659 implements the constitutional amendment. This bill requires that a physician must give 48 hours actual notice of the physician's intent to perform or induce the termination of a minor's pregnancy to one of the minor's parents or to the legal guardian of the minor. Constructive notice may be given if actual notice is not possible. This notice may be given by a referring physician. This bill provides exceptions to the notice requirement if a medical emergency exists and there is insufficient time to comply with the notice requirements, if notice is waived in writing by a person entitled to notice, if notice is waived because the minor has a child dependent on her, or if notice is waived by the minor who is or has been married or has had the disability of nonage removed.

This bill provides for a judicial waiver of the notice requirement. It provides that a pregnant minor may petition a circuit court in the appellate district where she resides for a waiver of the notice requirements. It provides a right to counsel for the minor. This bill requires the court to rule on the petition within 48 hours and provides the minor with a right to appeal an adverse ruling. The bill requires the court to grant the waiver of notice if the court finds, by clear and convincing evidence, that the minor is sufficiently mature to terminate her pregnancy. This bill requires the court to waive the notice requirement if the court finds by a greater weight of the evidence that there is evidence of child abuse or sexual abuse or if notification of the parents is not in the minor's best interest. This bill also requires the court to report evidence of child abuse or sexual abuse to the appropriate agency or law enforcement agency. It requires the court to hear all relevant evidence including evidence relating to the minor's emotional development, maturity, intellect, and understanding of the consequences of her actions.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

Criminal Justice Committee

HB 41 – Alarm System Contracting

By Gibson, H. and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 634

Committee(s) of Reference: Criminal Justice; Business Regulation; Justice Council

The Division of State Fire Marshal within the Department of Financial Services may inspect any building or fire alarm system regarding the issues of fire safety, prevention, and control. The Electrical Contractors Licensing Board (ECLB) within the Department of Business and Professional Regulation regulates electrical and fire alarm system contractors.

The bill amends the law related to the State Fire Marshall to provide that it is a first degree misdemeanor for a person to install, service, test, repair, improve, or inspect a fire alarm system unless that person is licensed by the ECLB, or a statutory exception to licensure applies.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HB 71 – Motor Vehicle Speed Competitions

By Quinones; Cannon

Tied Bills: None

Iden./Sim Bills: CS/SB 1428

Committee(s) of Reference: Criminal Justice; Transportation; Justice Appropriations; Justice Council

The bill increases the severity of the offense of "drag racing", from a second degree misdemeanor to a first degree misdemeanor for a first offense. This will have the effect of increasing the maximum sentence for a first violation from 60 days in county jail to one year in county jail. The bill also increases the minimum fine for a first offense from \$250 to \$500 and increases the maximum fine from \$500 to \$1000.

The bill also provides that any motor vehicle used in drag racing may be impounded for 10 business days for a first offense and may be seized and forfeited for a second offense which occurs within five years of the first.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HB 193 – Hazing

By Hasner and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 782

Committee(s) of Reference: Criminal Justice; Justice Appropriations; Justice Council

Hazing is the subjection of another to extreme physical or mental harassment, usually

associated with initiation into a social organization. Under current law, hazing by a college student may subject that student to university or college discipline. Hazing incidents may lead to criminal prosecution under general criminal laws, but there are impediments that make such prosecutions difficult.

This bill creates new criminal offenses specific to hazing at the high school or college level. This bill provides that it is a first degree misdemeanor to commit an act of hazing that creates a substantial risk of physical injury or death. The offense level increases to a third degree felony if the act of hazing actually results in serious bodily injury or death.

This bill also expands the definition of hazing, and provides a limited exception for certain legitimate activities. The bill is named for Chad Meredith, a student at a Florida university who died in a hazing incident.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 207 – Criminal Acts Committed During a State of Emergency

By Benson and others

Tied Bills: None

Iden./Sim Bills: CS/SB 282

Committee(s) of Reference: Criminal Justice; Justice Appropriations; Justice Council

This bill increases the penalties for burglary and theft when the offender commits such crimes during the time and within the area of a declared state of emergency.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 233 – Unlawful Killing of an Unborn Quick Child

By Planas and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1526

Committee(s) of Reference: Criminal Justice; Justice Appropriations; Justice Council

Previously, the willful killing of an unborn quick child by any injury to the mother that would be murder if it resulted in the death of the mother was considered manslaughter. This bill amends this section by punishing the unlawful killing of an unborn quick child by injury to the mother in the same manner as if the mother was killed. For example, if an offender kills an unborn quick child by committing an act that would constitute first degree murder if the mother were to die, the offender could be charged with first degree murder for the death of the unborn quick child. This bill amends the DUI manslaughter statute to include the killing of an unborn quick child. The term unborn quick child means when the child becomes capable of meaningful life outside the womb through standard medical measures.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HB 285 – Right to a Speedy Trial

By Hukill and others

Tied Bills: None

Iden./Sim Bills: CS/SB 214

Committee(s) of Reference: Criminal Justice; Justice Appropriations; Justice Council

HB 285 provides that the state attorney may file a demand for speedy trial if a certain period of time has elapsed since the defendant was charged with a criminal offense and arrested. Upon the filing of a demand for speedy trial, the judge is required to schedule a calendar call within 5 days at which time the judge must schedule the trial to commence no sooner than 5 days or later than 45 days following the date of the calendar call. The bill allows the judge to postpone the trial date under specific circumstances. The bill gives judicial discretion to the court to grant a continuance when necessary to prevent a defendant from being deprived of his or her right to due process.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 308 – Law Officer/Investigative Interview

By Fasano and others

Tied Bills: None

Iden./Sim Bills: HB 125

Committee(s) of Reference: Criminal Justice; Governmental Oversight and Productivity

Law enforcement officers and correctional officers are granted certain rights when an officer is being investigated by his or her employing agency. The bill provides that, whenever possible, a law enforcement or correctional agency must interview all identifiable witnesses prior to the beginning of an investigative interview of an accused officer. Further, the bill provides that the accused officer must be given a copy of the complaint and all witness statements prior to the investigative interview of an accused officer.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 319 – Freedom to Worship Safely Act

By Ryan and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1096

Committee(s) of Reference: Criminal Justice; Justice Appropriations; Justice Council

In response to a recent armed robbery of church parishioners, this bill creates the Freedom to Worship Safely Act. It provides for increased penalties for violent crimes committed on the property of a religious institution where the victim is on the property for the purpose of attending or participating in a religious service.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/CS/SB 328 – Automated External Defibrillators

By Justice Appropriations; Community Affairs; Fasano and others

Tied Bills: None

Iden./Sim Bills: HB 359 CS

Committee(s) of Reference: Criminal Justice; Community Affairs; Justice Appropriations

An Automated External Defibrillator (AED) is a small, lightweight device used to assess a person's heart rhythm, and, if necessary, administer an electric shock to restore a normal rhythm in victims of sudden cardiac arrest. AEDs are designed to be used by people without medical backgrounds, such as police, firefighters, flight attendants, security guards, and lay rescuers. This bill creates a grant program, administered by the Florida Department of Law Enforcement, to assist local governments in purchasing AED's for law enforcement vehicles. The General Appropriations Act appropriates \$1 million for this grant program.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 345 – Florida Department of Law Enforcement

By Gardiner and Coley

Tied Bills: None

Iden./Sim Bills: SB 1746

Committee(s) of Reference: Criminal Justice; Domestic Security; Justice Appropriations; Justice Council

This bill grants traffic enforcement authority to all agents, inspectors, and officers of the Florida Department of Law Enforcement (FDLE). The bill provides that the Executive Director of FDLE may authorize the Director of Capitol Police to oversee FDLE's responsibility for providing transportation and protective services. The bill also modifies the circumstances under which protective services can be provided.

The bill provides that the Capitol Police may provide for the safety and security needs of the archaeological, archival and historical artifacts housed in the Historic Capitol or the R.A. Gray Building from funds provided by the Department of State.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 411 – Criminal Punishment Code

By Kravitz and others

Tied Bills: None

Iden./Sim Bills: CS/SB 316

Committee(s) of Reference: Criminal Justice; Justice Appropriations; Justice Council

The Criminal Punishment Code contains an offense severity ranking chart in which felonies are ranked based on their severity as determined by the legislature. The higher that an offense is ranked on the chart, the more points that are assessed when determining a defendant's sentence for that offense. HB 411 changes the ranking of

several offenses within the offense severity ranking chart. The bill increases the ranking of the offense of possession of child pornography. The bill also increases the ranking of the offenses of using a computer to transmit child pornography, using a computer to transmit material harmful to minors and using a computer to facilitate sexual conduct with a minor. This bill may result in an offender who commits one of these offenses serving a longer prison sentence or may result in an offender being sent to prison who would have otherwise received a lesser sentence such as probation or county jail time.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 481 – Unlawful Use of Personal Identification Information

By Waters and others

Tied Bills: None

Iden./Sim Bills: CS/SB 284

Committee(s) of Reference: Criminal Justice; Business Regulation; Justice Council

The bill amends the identity theft statute to provide that any person who willfully and fraudulently uses, or possesses with intent to use personal identification information concerning a deceased individual, commits a third degree felony, and requires the imposition of three, five, or ten year minimum mandatory sentences depending on the value of the pecuniary benefit or injury or the number of deceased individuals whose personal identification information is used. Further, the bill creates a third degree felony offense for willfully and fraudulently creating or using, or possessing with the intent to use, counterfeit or fictitious personal identification information for the purpose of committing a fraud upon another person.

The bill also provides for the reclassification of an identity theft offense committed by a person who misrepresents themselves as a law enforcement officer; employee of a bank, credit card company, credit counseling company, or credit reporting agency; or any person who wrongfully represents that he or she is seeking to assist a victim with a problem with the victim's credit history. This will have the effect of increasing the maximum sentence that can be imposed for these offenses.

The bill requires a person who conducts business in Florida and maintains personal information in a computerized data system to disclose a breach in the security of the data to any resident of this State subject to certain exceptions. Any person who fails to make the disclosure required by the bill is subject to an administrative fine.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 538 – Sentencing/Victim Impact Evidence

By Smith; Lynn

Tied Bills: None

Iden./Sim Bills: HB 387

Committee(s) of Reference: Criminal Justice; Judiciary

Dr. Caroline Cody, a University of Florida medical student, was murdered. At the trial of her murderer, the trial judge refused to allow her parents to present a victim impact

statement to the jury. This bill creates the Caroline Cody Act, and specifies that a victim impact statement may be presented to the sentencing jury.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 656 – Deputy James M. Weaver Act

By Ways and Means; Haridopolos and others

Tied Bills: None

Iden./Sim Bills: HB 183 CS

Committee(s) of Reference: Criminal Justice; Governmental Oversight and Productivity; Ways and Means

This bill expands the death benefits to the beneficiaries of a law enforcement officer who is accidentally killed while on duty at the scene of a traffic accident to which the officer has responded or while enforcing a traffic law or ordinance.

The bill also requires that with certain exceptions, an internal investigation of a law enforcement or correctional officer must be completed within 180 days.

Currently law provides salary incentives for law enforcement officers who have met certain educational standards. The bill expands the definition of accredited college, university or community college from which the education can be obtained.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 730 – Prohibition On Prostitution

By Fasano

Tied Bills: None

Iden./Sim Bills: HB 375 CS

Committee(s) of Reference: Criminal Justice

A portion of the law prohibiting prostitution provides that it is a misdemeanor to commit a lewd act. The definition of a lewd act includes a requirement that some other person be offended by the lewd act. Some Florida courts have ruled that this requirement prohibits a law enforcement officer who has witnessed a lewd act from testifying in court about the lewd act. This bill provides that a law enforcement officer may testify in court about a lewd act that the officer has witnessed.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 738 – Criminal Justice Standards Commission

By Governmental Oversight and Productivity; Fasano and others

Tied Bills: None

Iden./Sim Bills: HB 647 CS

Committee(s) of Reference: Criminal Justice; Governmental Oversight and Productivity

This bill amends s. 943.11, F.S., to provide that, in appointing the three sheriffs who sit on the Criminal Justice Standards and Training Commission, the Governor must choose each appointment from a list of six nominees submitted by the Florida Sheriff's

Association. The appointment of the three police chiefs who sit on the commission will be handled in the same manner from a list of nominees submitted by the Florida Police Chief's Association.

In appointing the five law enforcement officers and the one correctional officer of the rank of sergeant or below, the Governor would be required to choose each appointment from a list of six nominees submitted by a committee comprised of three members of the collective bargaining agent for the largest number of certified law enforcement bargaining units, two members of the collective bargaining agent for the second largest number of certified law enforcement bargaining units and one member of the collective bargaining agent representing the largest number of state law enforcement officers in certified bargaining units. At least one of the names submitted for each of the five appointments who are law enforcement officers must be an officer who is not in a collective bargaining unit.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 913 – Littering

By Culp and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1774

Committee(s) of Reference: Criminal Justice; Justice Council

Currently any person who litters on public land, waterways, or private property under certain circumstances is guilty of a noncriminal offense and subject to a \$50 fine and public service sanctions if the amount of litter does not exceed 15 pounds in weight or 27 cubic feet in volume. HB 913 increases this fine from \$50 to \$100 and provides that \$50 of this amount must be deposited into the Solid Waste Management Trust Fund to be used for the solid waste management grant program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 1020 – Police, Fire, SAR Dogs/Police Horses

By Haridopolos; Fasano

Tied Bills: None

Iden./Sim Bills: HB 583 CS

Committee(s) of Reference: Criminal Justice

Current law provides that it is a felony to knowingly and willfully inflict bodily harm, permanent disability, or death upon a police dog, fire dog, SAR (search and rescue) dog, or police horse, without lawful cause or justification. This bill adds two new misdemeanors related to such animals. This bill makes it a first degree misdemeanor to touch, strike, or cause bodily harm to a police dog, fire dog, SAR dog, or police horse; and makes it a second degree misdemeanor to harass, tease, interfere with, or attempt to interfere with a police dog, fire dog, SAR dog, or police horse while the animal is in the performance of its duties. Additionally, a person guilty of any of these crimes must reimburse the agency that owns the animal for the cost of medical treatment and replacement of the animal.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HB 1347 – Controlled Substances

By Evers; Needelman

Tied Bills: None

Iden./Sim Bills: CS/SB 2352

Committee(s) of Reference: Criminal Justice; Justice Appropriations; Justice Council

HB 1347 makes a number of changes to chapter 893, the Florida Comprehensive Drug Abuse Prevention and Control Act. Most significantly, the bill:

- Provides that no person shall knowingly deliver in a single over-the-counter retail sale any number of packages of any drug containing a sole active ingredient that he or she knows to contain a combined total of more than 9 base grams of ephedrine, pseudoephedrine or phenylpropanolamine or more than three packages containing any such sole active ingredient. These substances are used in the illicit manufacture of methamphetamine.
- Provides that any drug having a sole active ingredient of ephedrine, pseudoephedrine or phenylpropanolamine must be displayed and offered for sale only behind the counter where the public is not permitted.
- Increases the severity of drug offenses that occur within 1,000 feet of an assisted living facility.
- Provides for increased penalties for the manufacture of methamphetamine or phencyclidine which occurs in a structure or conveyance where any child under 16 years of age is present.
- Provides for increased penalties for sale, purchase or manufacture of certain quantities of pseudoephedrine or possession of certain quantities of pseudoephedrine in conjunction with other chemicals and equipment utilized in the manufacture of amphetamine or methamphetamine.
- Provides that if a person violates any provision of chapter 893, F.S and such violation results in a serious injury to a state, local, or federal law enforcement officer, the person commits a third degree felony. If the injury sustained by the law enforcement officer results in death or great bodily harm, the person commits a second degree felony.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 1354 – Sexual Offenders

By Children and Families; Fasano and others

Tied Bills: None

Iden./Sim Bills: HB 1247 CS

Committee(s) of Reference: Criminal Justice; Children and Families

This bill modifies the conditions of supervision for a person who is on conditional release, probation or community control and has been convicted of an enumerated sexual offense. The bill provides stricter standards for supervised visits to require that a qualified practitioner complete a risk assessment, develop a safety plan, and actually recommend to the commission or the court for the supervised contact to occur.

The bill provides that the Parole Commission or sentencing court may approve the offender having supervised contact with the child only if certain conditions are met and based upon the review of specified information. The commission and the court are prohibited from approving contact if such contact is not recommended by the qualified practitioner and approved of by a non-offending parent or legal guardian. However, the commission and the court may deny contact at any time.

Currently, s. 948.30, F.S., prohibits a person on probation or community control for a sexual offense from working for pay or as a volunteer at any school, day care center, park, playground, or other place where children regularly congregate. The bill modifies this to prohibit working for pay or as a volunteer at any place where children regularly congregate, including but not limited to, a school, day care center, park, playground, pet store, library, zoo, theme park, and mall.

The bill creates a new condition which prohibits a person under supervision from accessing the internet or other computer services until a qualified practitioner at the offender's sex offender treatment program has approved a safety plan for accessing the Internet or other computer service.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2006.

CS/SB 1436 – Automated External Defibrillators

By Community Affairs; Geller; Lynn

Tied Bills: None

Iden./Sim Bills: HB 949 CS

Committee(s) of Reference: Criminal Justice; Community Affairs

An Automated External Defibrillator (AED) is a small, lightweight device used to assess a person's heart rhythm, and, if necessary, administer an electric shock to restore a normal rhythm in victims of sudden cardiac arrest. AEDs are designed to be used by people without medical backgrounds, such as police, firefighters, flight attendants, security guards, and lay rescuers. This bill provides that law enforcement vehicles may carry AEDs, and that local governments may use the proceeds of property forfeited by criminals to purchase AEDs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 1440 – Time Limitations/Criminal Offenses

By Criminal Justice

Tied Bills: None

Iden./Sim Bills: HB 1713

Committee(s) of Reference: Criminal Justice; Judiciary

The statute of limitations applicable to criminal prosecutions have been amended "piecemeal" over the years. Consequently, the general time limitation periods are interspersed with various exceptions, extensions, and "administrative" provisions that are not necessarily in any given order. This bill reorganizes and clarifies the statute of limitations applicable to criminal prosecutions. The provisions of this bill are technical and clarifying, not substantive.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1877 – Sexual Predators and Sexual Offenders

By Criminal Justice; Kravitz and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1216

Committee(s) of Reference: Criminal Justice; Justice Appropriations; Justice Council

This bill created the Jessica Lunsford Act which:

- Mandates lifetime imprisonment or lifetime supervision with electronic monitoring for persons convicted of lewd and lascivious molestation of a child under 12. Increases the offense severity from a first degree felony to a life felony.
- Expands from 20 years to 30 years the period of time before someone can petition to have the sexual predator designation removed.
- Creates a new aggravating circumstance to qualify a murdering sexual predator for a death sentence.
- Creates a new third degree felony for harboring a registered sex offender/predator.
- Requires the Department of Corrections (DOC) to purchase and operate fingerprint-reading equipment for probation officers to better track probationers when they are rearrested.
- Increases the penalty for the failure of a sex offender or sexual predator to register.
- Requires county misdemeanor probation officials to search the sex offender/predator registry.
- Requires contracts with private misdemeanor probation providers to include procedures for accessing criminal history records of probationers.
- Requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to study the registry and report findings to the Legislature.
- Requires FDLE to implement an "in person" check-in process for sexual predators and offenders. Twice a year registered offenders will have to report to their local sheriff's office or be subject to criminal prosecution.
- Creates a task force within FDLE to examine the collection and dissemination of criminal history records.
- Directs DOC to review and report serious offenses committed by probationers.
- Directs DOC to develop a risk assessment system to monitor high risk offenders and to provide cumulative histories to the court on high risk offenders.
- Mandates that the Parole Commission order electronic monitoring for persons who are leaving prison on conditional release and who have been convicted of various unlawful sex acts against a child 15 years of age or younger.
- Requires the court to order electronic monitoring of registered sex offenders and sexual predators whose victims were 15 years of age or younger and who violate their probation or community control when the court imposes a subsequent term of probation and community control rather than incarceration.
- Mandates the court to order electronic monitoring for persons placed on probation or community control who: are convicted or previously convicted of

various unlawful sex acts against a child 15 years of age or younger; or are registered sexual predators.

- Requires the court to make finding that a person who is on supervision for sexual offense and who violates supervision is not a danger to the public prior to release with or without bail.

Subject to the Governor's veto powers, the effective date of this bill is September 1, 2005.

Judiciary Committee

HB 135– Liability/Streetlight Providers

By Stansel and others

Tied Bills: None

Iden./Sim Bills: SB 1790

Committee(s) of Reference: Judiciary; Justice Council

This bill provides that neither the state, nor any of its officers, agencies or instrumentalities, nor any public or electric utility that owns or maintains streetlights, security lights or other outdoor area lights, shall be held liable for any civil damages for personal injury, wrongful death, or property damage affected or caused by the malfunction or failure of such lights, unless the provider has failed to comply with certain maintenance requirements provided in the bill.

Additionally, the bill provides that in any civil action for damages regarding the provision or maintenance of streetlights, if the provider is immune from liability under the bill or is not a party to the litigation, the provider may not be named on the jury verdict form or deemed or found in that proceeding to be in any way at fault or responsible for the injury or death that gave rise to the damages.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 348 – Family Court Efficiency

By Health and Human Services Appropriations; Lynn and others

Tied Bills: None

Iden./Sim Bills: HB 145 CS

Committee(s) of Reference: Judiciary; Children and Families; Health and Human Services Appropriations

The bill implements the recommendations of the Florida Supreme Court related to the operation of the family court system to allow the court system to create a unique identifier to identify all court cases related to the same family; provides that specified orders entered in dependency court take precedence over court orders entered in other civil proceedings; and provides that final orders and evidence admitted in dependency actions are admissible in evidence in subsequent civil proceedings under certain circumstances.

The bill removes provisions of law regarding grandparents' visitation rights that have been found unconstitutional by the courts and amends provisions related to the parenting course required of all parties to a dissolution of marriage proceeding or paternity action.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/CS/SB 436 (Ch. 05-27, L.O.F.) – Protection of Persons/Use of Force**By Judiciary; Criminal Justice; Peaden and others****Tied Bills: None****Iden./Sim Bills: HB 249 CS****Committee(s) of Reference: Criminal Justice; Judiciary**

The act addresses provisions relating to the justifiable use of force.

The act creates a presumption, with certain exceptions, that a person has a reasonable fear of imminent peril of death or great bodily harm to himself, herself, or to another person and may use defensive force that is intended or likely to cause death or great bodily harm in response if:

- The person against whom the force was used was in the process of unlawfully and forcibly entering a dwelling, residence, or occupied vehicle, and
- The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or an unlawful and forcible act was occurring or had occurred.

The act provides that a person (not engaged in an unlawful activity) who is attacked in a place “where he or she has a right to be” other than a dwelling, residence, or occupied vehicle, does not have a duty to retreat and may meet force with force, including deadly force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself, herself, or to another or to prevent the commission of a forcible felony.

The act creates a presumption that a person who unlawfully and by force enters or attempts to enter a person’s dwelling, residence, or occupied vehicle is doing so with the intent to commit an unlawful act involving force or violence.

The act provides immunity from criminal prosecution of, and civil action against, a person who has used justifiable force in the defense of himself, herself, or another person.

The effective date of this act is October 1, 2005.

CS/SB 938 – Adverse Medical Incidents**By Health Care; Peaden; Crist****Tied Bills: None****Iden./Sim Bills: HB 1797 CS****Committee(s) of Reference: Health Care; Judiciary; Health and Human Services Appropriations; Ways and Means; Rules and Calendar**

On November 2, 2004, the voters approved Constitutional Amendment 7, known as the “Patients’ Right- to- Know About Adverse Medical Incidents.” This bill incorporates provisions from Amendment 7 and supplements those with statutory provisions. It defines the scope of the amendment as applying to records of adverse medical incidents held by hospitals, allopathic physicians (licensed under chapter 458, F.S.), and osteopathic physicians (licensed under chapter 459, F.S.); it applies Amendment 7 to records created, incidents occurring, and actions pending on or after November 2, 2004.

It further preserves existing laws regulating the use of, as opposed to patient accessibility to, records of adverse medical incidents, such as laws relating to the discoverability or admissibility of these records and testimony related to these records in civil and administrative proceedings. Finally, the bill includes provisions pertaining to the production of records.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 940 – Repeated Medical Malpractice

By Health Care; Peaden; Crist

Tied Bills: None

Iden./Sim Bills: HB 1739 CS

Committee(s) of Reference: Health Care; Judiciary; Banking and Insurance; Health and Human Services Appropriations; Ways and Means; Rules and Calendar

On November 2, 2004, Florida voters approved Constitutional Amendment 8, relating to repeated medical malpractice. This bill combines the provisions of Constitutional Amendment 8 with supplemental statutory provisions. The bill:

- Applies Amendment 8 prospectively to incidents occurring on or after November 3, 2004, and defines “medical doctor” to include only allopathic physicians (licensed under chapter 458, F.S.), and osteopathic physicians (licensed under chapter 459, F.S.).
- Incorporates the definition of “medical malpractice” from Amendment 8, and applies the standard of care used in civil actions for medical malpractice to findings of medical malpractice under the disciplinary provisions of the medical doctor practice act and Amendment 8.
- Labels the conduct proscribed in Amendment 8—committing three or more incidents of medical malpractice—as “repeated medical malpractice.” In so doing, the bill also defines the term “incident” and modifies thresholds for a finding of repeated medical malpractice under current law.
- Requires the other state or country to have applied a standard of care and burden of proof equal to or exceeding that used in Florida for the Board of Medicine or the Board of Osteopathic Medicine, as applicable, to count a similar act committed in another state or country as medical malpractice for purposes of mandatory license denial or revocation under Amendment 8.
- Assigns responsibility to the Board of Medicine or the Board of Osteopathic Medicine, as applicable, to determine by clear and convincing evidence that a medical doctor has committed repeated medical malpractice. The bill requires board review of the record of any incident found to be malpractice using a less stringent standard of review.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 1098 – Child Abuse Cases/Guardian Ad Litem

By Governmental Oversight and Productivity; Smith and others

Tied Bills: None

Iden./Sim Bills: HB 1929 CS

Committee(s) of Reference: Children and Families; Governmental Oversight and Productivity; Rules and Calendar

SB 1098 adds specified staff of a Children's Advocacy Center to the list of those entitled to access confidential records resulting from allegations of child abuse, when a center is actively involved in providing services to a child. The bill also creates two public records exemptions pertaining to guardians ad litem: one exempts information held by guardians ad litem that is related to the best interests of the child; the other exempts information such as home addresses, phone numbers, and places of employment of guardians ad litem and their spouses and children, but requires guardians ad litem to first sign a statement that they have made a reasonable effort to protect such information from public access through other sources.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HJR 1723 – Constitutional Revision Process/Voting - Sixty Percent

By Judiciary; Simmons and others

Tied Bills: None

Iden./Sim Bills: CS/SJR 6

Committee(s) of Reference: Ethics & Elections; Justice Council

HJR 1723 proposes to change the voting threshold necessary for the adoption of a constitutional amendment or revision to the Florida Constitution. The joint resolution, if approved by voters, would require at least 60 percent of those electors voting on the measure to approve any future amendment or revision. The joint resolution applies to any proposed constitutional amendment or revision, regardless of the source of the proposal.

If approved by the voters, the effective date of this joint resolution is January 2, 2007.

HB 1935 – State Judicial System

By Judiciary; Simmons and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 2542

Committee(s) of Reference: Justice Appropriations; Justice Council

This bill finalizes the implementation of Amendment 7 to Article V of the Florida Constitution. Article V establishes the judicial branch of government.

Among its many provisions, the bill:

Revises the process for qualifying as "indigent" for purposes of receiving court-appointed counsel and associated services, and recognizes the status of indigent for costs; delineates appointment and funding responsibilities of competency experts; permits the Legislative Budget Commission to approve increases in clerk budgets in certain circumstances; extends the deadline for clerks to comply with requirements to redact social security numbers; directs trial court administrators to recover certain expenditures; repeals the Article V Indigent Services Advisory Board effective July 1, 2006; authorizes a \$3 court cost for teen courts; permits counties to use up to 25 percent of an existing civil traffic surcharge to support law libraries; defines "municipality" to exclude

unincorporated areas of certain governments for purposes of remitting ordinance and traffic violation revenues to the clerks thus subjecting these governments to the same remittance requirements as counties; revises revenue sharing provisions effective July 1, 2006, to reduce the share certain local governments receive; permits certain local governments to impose additional court costs and an additional traffic surcharge for a limited time period to recoup certain lost revenues; directs the chief judge in each circuit to determine the priority of services provided by the clerks to the trial courts, and directs the clerks to manage the performance of these services; and sets forth the conditions under which clerks may discontinue performance of functions performed in support of the trial court; provides for appropriations.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 2228 – Asbestos-related Claims

By Judiciary; Webster

Tied Bills: None

Iden./Sim Bills: HB 785

Committee(s) of Reference: Commerce and Consumer Services; Banking and Insurance; Judiciary

SB 2228 creates limitations on asbestos-related liabilities of corporations that have assumed or incurred the liabilities of another corporation, as successors, by way of merger or consolidation prior to January 1, 1972. The bill would limit the liability of a successor corporation to the fair market value of the total gross assets of the predecessor corporation, from which the asbestos-related liability originated, at the date of the merger and adjusted annually. The bill provides standards for acceptable methods to determine the fair market value of the total gross assets of a corporation.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

Juvenile Justice Committee

HB 577 – Interstate Compact for Juveniles

By Needelman and others

Tied Bills: None

Iden./Sim Bills: CS/SB 274

Committee(s) of Reference: Juvenile Justice; Justice Appropriations; Justice Council

Currently, ss. 985.501– 985.507, F.S., regulate the movement of juveniles across state lines and are collectively referred to as the Interstate Compact on Juveniles. The compact was established in 1955 to manage the interstate movement of adjudicated youth, the return of runaway youth, and the return of youth to states where they have been charged with delinquent acts. Due to changes in technology, transportation, laws, and population, however, the original compact has become outdated and has led to increasing concern about the safety of the public, as well as the welfare of juveniles.

To address these issues, the Council of State Governments developed a new Interstate Compact for Juveniles and has been encouraging and supervising introduction of this legislation throughout the United States. As of May 4, 2005, 24 states have enacted the new compact.

HB 577 adopts the new compact in Florida. Significant changes to Florida's original compact include:

- Creation of a national compact governing commission composed of a gubernatorial appointee from each member state.
- Provision of rulemaking-making authority to the governing commission for the purpose of specifying policies that govern the interstate movement of juveniles.
- Authorization of sanctions for a compacting state's failure to comply with compact requirements.
- Establishment of a national independent compact operating authority to administer day-to-day compact activity.
- Creation of a mandatory state funding mechanism to support national compact operations.
- Establishment of a council in each member state to oversee the state's participation in the compact.
- Providing for repeal of the legislation authorizing the compact every two years, unless reenacted.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005, or upon enactment of the compact into law by the 35th compacting state, whichever occurs later.

HOUSE OF REPRESENTATIVES

Rules & Calendar Council

**Representative J. Dudley Goodlette, Chair
Representative Jeffrey D. “Jeff” Kottkamp, Vice
Chair**

2005 SUMMARY OF PASSED LEGISLATION



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Rules & Calendar Council

HCR 1127 – Appointment of Gary VanLandingham as OPPAGA Director

By Homan and others

Tied Bills: None

Iden./Sim Bills: SCR 1468

Committee(s) of Reference: Rules & Calendar Council

HCR 1127 confirms the appointment of Gary VanLandingham as Director of the Office of Program Policy Analysis and Government Accountability (OPPAGA).

OPPAGA is established in s. 11.51, F.S., as a unit of the Office of the Auditor General, to perform independent examinations, program reviews and other specifically authorized or required research projects. The office also makes recommendations and provides other services to the Legislature. Section 11.511, Florida Statutes, provides that the Director of OPPAGA is to be appointed by majority vote of the Legislative Auditing Committee, a joint committee established under Joint Rule Four of the Joint Rules of the Senate and House. The appointment is subject to confirmation by the Senate and the House. The appointment may be terminated at any time by a majority vote of the Senate and the House.

On January 24, 2005, the Legislative Auditing Committee appointed Gary VanLandingham to the position of Director. Pursuant to s. 11.511(2)(b), the appointee shall perform the functions as provided by law until confirmation. Mr. VanLandingham served as interim Director from July, 2003, until his January, 2005, appointment.

Subject to the Governor's veto powers, the effective date of this bill is January 24, 2005.

SB 1334 – Official Florida Statutes

By Pruitt

Tied Bills: None

Iden./Sim Bills: HB 1211

Committee(s) of Reference: Rules and Calendar

SB 1334 is drafted by the Division of Statutory Revision of the Office of Legislative Services to adopt the Florida Statutes 2005 and designate the portions thereof that are to constitute the official statutory law of the state. This adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law.

This bill substantially amends the following sections of the Florida Statutes: ss. 11.2421, 11.2422, 11.2424, and 11.2425.

Subject to the Governor's veto powers, the effective date of this bill is immediately upon publication.

CS/SB 1336 – Florida Statutes
By Rules Committee and Pruitt
Tied Bills: None
Iden./Sim Bills: HB 1213
Committee(s) of Reference: Rules and Calendar

The Division of Statutory Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills.

This is a general reviser's bill to delete expired or obsolete language; correct cross-references and grammatical or typographical errors; remove inconsistencies and redundancies from the statutes; improve the clarity of the statutes and facilitate their correct interpretation; and confirm the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process. A reviser's bill cannot be amended except to delete a bill section.

This committee substitute substantially amends or repeals the following sections of the Florida Statutes: amends ss. 28.246, 28.35, 28.36, 29.21, 34.191, 39.701, 55.203, 55.208, 56.27, 63.087, 63.102, 70.20, 101.161, 112.08, 112.63, 120.536, 211.06, 215.20, 215.555, 216.023, 220.1895, 280.16, 287.042, 287.17, 288.1224, 288.12265, 288.905, 290.00689, 290.015, 311.125, 322.135, 327.395, 339.55, 339.64, 364.604, 373.145, 373.1963, 373.441, 373.4592, 376.71, 376.80, 378.034, 378.035, 381.0046, 381.0065, 381.103, 381.734, 393.0655, 393.068, 394.499, 394.82, 394.9083, 395.4001, 395.404, 397.416, 397.97, 400.1755, 400.179, 403.4154, 409.2563, 409.907, 409.9071, 409.908, 409.91188, 409.912, 420.504, 430.205, 440.05, 440.491, 440.591, 443.191, 445.003, 445.009, 455.2177, 455.32, 458.3115, 475.615, 489.146, 497.103, 497.140, 497.150, 497.152, 497.153, 497.160, 497.166, 497.167, 497.260, 497.369, 497.453, 497.458, 497.466, 497.550, 497.551, 497.603, 497.604, 497.608, 550.0251, 553.791, 553.8413, 556.112, 558.002, 558.004, 560.408, 570.71, 581.131, 620.9901, 624.426, 626.641, 627.6699, 627.736, 628.909, 633.0215, 636.240, 641.51, 648.50, 650.05, 655.948, 658.60, 663.02, 663.318, 668.602, 717.1400, 720.303, 720.402, 720.405, 744.3678, 744.7021, 782.081, 784.046, 895.02, 921.0022, 932.704, 932.706, 933.40, 943.125, 944.026, 944.1905, 944.803, 948.09, 948.30, 957.07, 958.045, 985.404, 985.412, 1009.765, and 1012.796; repeals ss. 30.17, 202.205, 288.971, 295.184, 373.1995, 394.498, 570.235, and 627.6685.

Subject to the Governor's veto powers, the effective date of this bill is 60 days after sine die.

SB 1338 – Florida Statutes
By Pruitt
Tied Bills: None
Iden./Sim Bills: HB 1215
Committee(s) of Reference: Rules and Calendar

The Division of Statutory Revision of the Office of Legislative Services is required, by

statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills. A reviser's bill cannot be amended except to delete a bill section.

This bill deletes statutes provisions that have been repealed by a noncurrent (past-year) session of the Legislature where that repeal or expiration date has now occurred, rendering the provision of no effect (an example would be a repeal set for October 1, 2004, by the 2003 Regular Session of the Legislature).

This bill substantially amends or repeals the following sections of the Florida Statutes: amends ss.202.35(3), 378.035, and 627.732(1)(a); repeals ss. 20.19(5)(b)2., 20.3315(3), 27.005, 27.006, 27.271, 27.33, 27.3455, 27.36, 27.385, 27.605, 29.002, 29.003, 29.009, 29.011, 43.28, 50.071, 57.091, 166.411(11), 196.1994, 202.27(7), 213.131(2), 216.181(17), 216.292(5)(f), 218.325, 220.191(1)(h)2., 252.373(1)(b) and (c), 259.105(21), 288.9511, 288.9515, 288.9517, 339.08(4), 339.082(3), 372.127(3), 372.561(9), 376.875(6), 381.79(7), 383.410, 456.0375, 601.15(3)(f), 723.06115(3), 914.06, 925.035, 925.036, 925.037, 932.7055(5)(d), 939.05, 939.07, 939.10, 939.15, 985.4075(2), 1004.225, and 1010.87(3).

Subject to the Governor's veto powers, the effective date of this bill is 60 days after sine die.

SB 1340 – Florida Statutes

By Pruitt

Tied Bills: None

Iden./Sim Bills: HB 1217

Committee(s) of Reference: Rules and Calendar

The Division of Statutory Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills. Responses to directives from the Legislature to make specific changes in the statutes, such as renaming a department, are also submitted to the Legislature via reviser's bills.

The Division of Statutory Revision was directed by the Legislature, in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes through reviser's bills to be submitted by January 1, 1997. This reviser's bill would remove gender-specific references that have been added subsequently. A reviser's bill cannot be amended except to delete a bill section.

This bill substantially amends the following sections of the Florida Statutes: ss. 369.324, 381.92, 458.3475, and 459.023.

Subject to the Governor's veto powers, the effective date of this bill is 60 days after sine die.

HOUSE OF REPRESENTATIVES

State Administration Council

Representative Donald D. "Don" Brown, Chair
Representative Ellyn Setnor Bogdanoff, Vice Chair

2005 SUMMARY OF PASSED LEGISLATION



Domestic Security Committee

Representative Sandra "Sandy" Adams, Chair
Representative Dan Gelber, Vice Chair

Ethics & Elections Committee

Representative Ron Reagan, Chair
Representative Jennifer Carroll, Vice Chair

Governmental Operations Committee

Representative Jeffrey D. "Jeff" Kottkamp, Chair
Representative David J. Meador, Vice Chair

Military & Veteran Affairs Committee

Representative Stan Jordan, Chair
Representative Kevin C. Ambler, Vice Chair

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Domestic Security Committee

CS/SB 200 (Ch. 05-5, L.O.F.) – Hazardous Material Right-to-Know Act

By Community Affairs; Constantine

Tied Bills: None

Iden./Sim Bills: HB 5 CS

Committee(s) of Reference: Domestic Security; Community Affairs

Section 313 of the federal Emergency Planning and Community Right-to-Know Act (EPCRA), 42 USC 11001 – 11050, requires toxic chemical release forms to be completed by owners or operators of facilities that manufacture, process, or otherwise use threshold quantities of chemicals established by the United States Environmental Protection Agency (EPA) to be toxic. The list of toxic substances is subject to revision by the administrator of the EPA.

Florida law requires fee payments for these same substances under the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act, Chapter 252, Part II, F.S. Prior to the effective date of this legislation, the statutes reference a list of these substances in effect on January 1, 1998. Because of the outdated reference, fees are being paid for substances that no longer require filing, and the process of refunding the funds is time consuming and expensive. In addition, fees are not being collected that would otherwise be collected if the reference to the list of substances were current.

The bill amends the popular name of the "Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988," changing it to the "Florida Emergency Planning and Community Right-to-Know Act." The bill also eliminates the reference to the list of section 313 EPCRA substances as that list existed on January 1, 1998, and substitutes the list in existence on January 1, 2005.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 473 – Water Management District Security

By Poppell and others

Tied Bills: None

Iden./Sim Bills: SB 1612

**Committee(s) of Reference: Domestic Security; Water & Natural Resources;
Agriculture & Environment Appropriations; State Administration Council**

The bill authorizes Florida's five water management districts to conduct fingerprint-based criminal history background checks on employees or on contract personnel who have regular access to facilities that are designated as restricted access areas in the districts' security plans for buildings, facilities, and structures. In districts where the Regional Domestic Security Task Force (RDSTF) has identified any facilities or structures as "critical infrastructure," the district is required to conduct the background checks.

Any person who is found to have been convicted of certain enumerated crimes within the preceding seven years, or has a criminal history profile identified as disqualifying by the district's security plan, shall be disqualified from initial employment or from regular

access to facilities identified in the district's security plan as restricted access. The bill authorizes districts to provide appeal and waiver procedures.

The cost of a fingerprint-based criminal history background check by the Florida Department of Law Enforcement (FDLE) is approximately \$47, and would be borne by the district for its employees. Where contract personnel are required to be checked, either the contractor or the individual employee would be required to bear the cost.

Currently, the RDSTFs have not identified any facilities of the water management districts as critical infrastructure. However, the Homeland Security Comprehensive Assessment Model process is ongoing, and the final determination of criticality for water management district infrastructure is incomplete. Therefore, the districts would have only permissive authority to conduct the background checks until such time as critical infrastructure is designated. In the event that any facilities are identified as critical infrastructure, the background checks become mandatory for the district where such facilities are located.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 977 – Regulation of Airports

By Adams and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1808

Committee(s) of Reference: Domestic Security; Transportation; State Administration Council

Neither federal nor state law currently requires a security plan to be developed at airports that do not provide scheduled commercial passenger service or large charter operations. In Florida, the Florida Department of Transportation's (FDOT) regulation of airports is limited to site approval, licensure for operation, and hazard regulation. Under these programs, FDOT conducts safety inspections to ensure that adequate area exists for flight operations, that airports will comply with zoning regulations, and that safe air-traffic patterns can be maintained, taking into account all other airports within the vicinity. Airports are licensed with FDOT, and have an annual renewal period.

The bill makes the renewal of an airport license for particular airports contingent upon the development and updating of a security plan that is consistent with recommendations of the Florida Airports Council (FAC) derived from Transportation Security Administration (TSA) guidelines. The bill also requires submission of certain administrative data contained in the security plans to the Florida Department of Law Enforcement for use in protecting designated critical infrastructure in the state. Airports required to develop such a plan are those that are publicly or privately owned, that are open to the public, that have at least one runway greater than 4,999 feet in length, and that do not host scheduled commercial passenger service or charter services regulated under 14 C.F.R. Part 139.

The bill requires FDOT to approve each required general aviation airport security plan, and to approve biennial updates to a plan. FDOT is directed to ensure that each plan is consistent with the guidelines established by the FAC.

FDOT is prohibited from renewing an airport license or registration of any airport required to file a security plan under the provisions of the bill, unless that airport files an approved security plan or update, or is working in good faith to do so.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HB 1025 – Misuse of Laser Lighting Devices

By Waters and others

Tied Bills: None

Iden./Sim Bills: CS/SB 830

Committee(s) of Reference: Domestic Security; Criminal Justice; State Administration Council

In the second half of 2004 and early this year, incidents have been reported in Newark, Cleveland, Houston, Washington, D.C., Colorado Springs, and Medford, Oregon involving persons who pointed a handheld laser at airplanes. The incident in Newark, New Jersey resulted in the charging of a man under the Patriot Act for the felony crime of interfering with the operator of a mass transportation vehicle. Many helicopters and airplanes are not mass transportation vehicles as that term is applied under the Patriot Act, so the federal offense may not apply if a laser device is aimed into the cockpit of one of these kinds of aircraft.

The bill makes it a third-degree felony for any person to knowingly and willfully shine, point, or focus the beam of a laser lighting device on an individual operating a motor vehicle, vessel, or aircraft. A third-degree felony is punishable by up to five years in prison and a fine of up to \$5,000. If such act results in bodily injury, the act is punishable as a second-degree felony. A second-degree felony is punishable by up to 15 years in prison and a fine of up to \$10,000. The bill also revises the definition of the term "laser lighting device" as it applies to the new crime to include any laser, in addition to those used as pointing devices.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1715 – Domestic Security

By Domestic Security; Adams and others

Tied Bills: HB 1801

Iden./Sim Bills: CS/SB 1414; SB 2000

Committee(s) of Reference: State Administration Appropriations; State Administration Council

The bill makes a number of revisions to the domestic security framework of the state, and changes the way certain domestic security activities are to be carried out. Specifically, the bill:

- Establishes legislative findings regarding the need to coordinate counterterrorism efforts and responses with the state comprehensive emergency management plan;
- Changes the name of the Chief of Domestic Security Initiatives to the Chief of Domestic Security;

- Amends the procedures for conducting security assessments of state facilities, requiring agencies to utilize instruments and methods provided by the Chief of Domestic Security when conducting and reporting assessments;
- Requires agencies, rather than the Chief, to establish security priorities;
- Authorizes the Chief of Domestic Security to utilize assessments made by local governments and water management districts when he or she makes recommendations to the Governor and Legislature about specific security enhancements;
- Authorizes the Chief of Domestic Security, with the assistance of the State Fire Marshal, to work directly with agencies and state entities to develop and implement best practices for security and safety of facilities;
- Requires regional domestic security task forces (RDSTFs) to provide support to the Department of Law Enforcement in its performance of functions pertaining to domestic security;
- Revises the list of entities that may participate on an RDSTF to emphasize the importance of participation by those in the healthcare and hospital industry, and to provide greater local control over membership;
- Authorizes RDSTFs to create subcommittees for the various domestic security and emergency response disciplines and to provide for chairs of those subcommittees;
- Requires coordinating activities of the RDSTFs to be done in accordance with the state's strategic domestic security goals;
- Creates the Domestic Security Oversight Council and provides for its membership, structure, general governance, and duties;
- Defines the council as a "criminal justice agency" within the meaning of Ch. 119, F.S., for the purpose of protecting certain criminal justice investigative and intelligence information.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 1801 – Public Meetings and Public Records

By Domestic Security; Adams

Tied Bills: HB 1715

Iden./Sim Bills: CS/SB 1416

Committee(s) of Reference: State Administration Council

The bill provides for the exemption of portions of meetings and records of the Domestic Security Oversight Council (DSOC) from public meetings and public records laws. The bill provides criteria for determining when a portion of the council meeting may be closed, how the council chair shall declare closing a portion of the meeting, who may attend a closed council meeting, and what records must be kept of the proceedings of the council during a closed meeting.

Specifically, the bill provides that the portions of a meeting at which the DSOC will hear or discuss active criminal investigative information or active criminal intelligence information are exempt from open meetings requirements and may be closed if the chair announces the necessity of the closure at a public meeting, states the reasons for the closure in a written document filed in the public records of the DSOC, and the entire closed meeting is recorded. Under the provisions of this bill, the recording of the closed

meeting and any minutes or notes are exempt from public records requirements until the criminal investigative or intelligence information ceases to be active. The records of the closed meetings are required to be retained on a schedule adopted by the Department of State's Division of Library Services. Whether information is active is determined under a statutory definition found in chapter 119, F.S.

The bill provides for future review and a repeal of the exemption on October 2, 2010, and provides a statement of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is the same date that HB 1715 takes effect.

Ethics & Elections Committee

HJR 1177- Term Limits

By Troutman and others

Tied Bills: None

Iden./Sim. Bills: CS/SJR 1210; SJR 1362

Committee(s) of Reference: Ethics & Elections; State Administration Council

The bill places an initiative on the statewide ballot in November 2006 to extend term limits for state representatives and state senators to 12 years. The bill:

- Proposes to amend Art. VI, s. 4, of the Florida Constitution, to increase the current term limits, from eight years to twelve years, for Florida Representatives and Senators.
- Proposes to delete the eight-year term limitation for United States Representatives and United States Senators from Florida, which was declared unconstitutional by the United States Supreme Court in 1995.

If enacted, the proposed constitutional amendment will be presented to the electors of Florida at the November 2006 general election, and if approved, will apply only to those officers whose consecutive years in office begin in November 2006 or after.

If approved by the voters in the November 2006 general election, the joint resolution will take effect January 2, 2007.

HB 1567 - Elections

By Reagan and others

Tied Bills: None

Iden./Sim. Bills: CS/CS/SB 2086; CS/CS/SB 2176

Committee(s) of Reference: Ethics & Elections; State Administration Council

The Florida Legislature has made a number of changes to the Florida Election Code (Code) since the 2000 Presidential Election. A number of election provisions have lost their usefulness or application following these changes. To that end, HB 1567 makes conforming, technical and clarifying changes that have been recommended by the Division of Elections.

It also makes a number of substantive changes to the Code that are designed to address problems that occurred during the 2004 elections. The highlights of the bill include:

- **Candidate Petition Process** - The section relating to candidate qualifying by petition was substantially reworked so that it applies to *all* candidates. The redundant requirements in ss. 99.0955 and 99.096, Florida Statutes, were then eliminated. Section 105.031, Florida Statutes, relating to judicial candidates, is amended to conform to these changes. The bill removes the requirement that a candidate file an oath indicating that he or she will qualify by the petition method. The restriction on not being able to circulate petitions prior to the first Tuesday

after the first Monday in January of the election year has been removed and replaced with the requirement that signatures may be obtained as soon as the campaign treasurer has been appointed.

- Pre-challenge of Voters - The bill creates a process for electors or pollwatchers to pre-challenge a voter that they believe is not a legal voter. The challenge process follows the same procedure as an election day challenge. Such a process makes it easier to challenge potentially ineligible voters who may vote early. A voter who is challenged will be permitted to vote a provisional ballot.
- Provisional Ballots - The bill allows a person casting a provisional ballot to present written evidence supporting his or her eligibility to the supervisor no later than 5 p.m. on the *third day following the election*. It also requires the county canvassing board to consider the information provided in the Voter's Certificate and Affirmation, written evidence provided by the person, and any other evidence presented by the supervisor of elections in determining whether to count a provisional ballot.
- Candidate Withdrawal - The bill eliminates the calling of a special election in the event of a vacancy in nomination due to death, resignation or withdrawal of a candidate. Instead, the respective political party will select a new nominee. If the vacancy occurs after the certification of results for the primary election, the name of the new nominee will not appear on the ballot.
- Early Voting – The bill clarifies in current law that early voting is allowed for 8 hours in the aggregate during each of the two weekends prior to an election and provides that the 8 hours of early voting must occur between 7 am and 7 pm each day. It also maintains the early voting sites under current law (main or branch offices of Supervisor of Elections, city halls and public libraries), but requires branch offices and public libraries to be permanent. Branch offices no longer must be “full service” facilitates to be used as early voting sites.
- “No Solicitation” Zone – The “no solicitation” zone has been expanded to 100 feet and now includes early voting sites. The exceptions from the no-solicitation zone have also been eliminated.
- Absentee Ballots - The bill requires each county supervisor of elections who receives a request for an absentee ballot by the sixth day before an election to mail out the ballot by the fourth day before the election.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2006.

HB 1589 - Elections

By Brown

Tied Bills: HB 1591

Iden./Sim. Bills: CS/CS/SB 2176

Committee(s) of Reference: Ethics & Elections; Transportation & Economic Development Appropriations; State Administration Council

HB 1589 sets out requirements for the new statewide voter registration database that must be operational by January 1, 2006, to comply with the federal Help America Vote Act or “HAVA”. It also makes substantive changes to Florida’s campaign finance laws.

The bill does the following:

- Implements in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.
- Authorizes the Department of State to adopt rules to obtain and maintain uniformity in the interpretation and implementation of the election laws.
- Increases the expenditure limit in the Public Matching Funds Program to \$2 per voter for gubernatorial candidates and \$1 per voter for candidates for cabinet races. Under this formula, the spending limit for a gubernatorial candidate will be approximately \$20 million and \$10 million for candidates for cabinet offices.
- Increases the contribution limit from political parties to statewide candidates from \$50,000 to \$250,000, pursuant to section 106.08, Florida Statutes.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2006, or as otherwise provided therein.

HB 1591 - Public Records

By Brown

Tied Bills: HB 1589

Iden./Sim. Bills: CS/CS/SB 2178

Committee(s) of Reference: Ethics & Elections; State Administration Council

HB 1591 is a public records exemption bill, linked to HB 1589, which sets out requirements for the new statewide voter registration database that must be operational by January 1, 2006, to comply with the federal Help America Vote Act or "HAVA."

The bill does the following:

- Retains the exemption for declinations to register to vote and information relating to the place where a person registered or updated a registration.
- Creates an exemption for a voter's Florida Driver's License number or Florida identification number, and retains the exemption for a voter's social security number.
- Protects the signature of a voter or voter registration applicant from being copied.
- Extends the exemption in section 714.465, Florida Statutes, to Department of State voter records in order to protect from disclosure the personal information of persons participating in the Address Confidentiality Program for Victims of Domestic Violence Program
- Includes language to explain the need to protect voter information in the database.

Subject to the Governor's veto powers, the effective date of this bill is the same date that HB 1589 will take effect, which is upon becoming a law.

HB 1673 - Second Primary Election

By Kottkamp and others

Tied Bills: None

Iden./Sim. Bills: CS/SB 1268; SB 1956

Committee(s) of Reference: Ethics & Elections; State Administration Council

In 2003, the Legislature suspended the second primary election for the 2004 election cycle. HB 1673 *permanently repeals* the second primary election in Florida.

The bill also makes conforming changes to the campaign reporting schedules to account for the repeal of the second primary. Candidates and political committees are required to submit reports on the 32nd, 18th and 4th days before the first primary, and on the 46th, 32nd, 18th and 4th days before the general election. Candidates participating in the public matching funds program are required to file campaign reports on a weekly basis, beginning with the 32nd day before the first primary, and beginning on the 53rd day before the general election.

Finally, the bill amends s.106.08, Florida Statutes, relating to campaign contributions. It should be noted that the \$500 contribution limit in that section applies to each election, so by repealing the second primary there would only be two election cycles under which to contribute up to \$500.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2006.

Governmental Operations Committee

CS/SB 60 – FRS/Special Risk/Law Enforcement

By Ways and Means; Campbell and others

Tied Bills: None

Iden./Sim Bills: HB 215

Committee(s) of Reference: Governmental Oversight and Productivity; Ways and Means

The bill expands the membership of the Special Risk Class, prospectively, to include members employed by a law enforcement agency or medical examiner's office in a forensic discipline, or the direct supervisor, quality management supervisor, or command officer. The membership expansion does not apply to administrative support personnel.

The bill appropriates \$1,400,000 from the General Revenue Fund, on a recurring basis, to the Department of Law Enforcement in order to fund the department's costs associated with the retirement benefits granted by this act. Local government funding is not provided.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

SB 106 – State Retirement Program

By Constantine

Tied Bills: None

Iden./Sim Bills: HB 163 CS

Committee(s) of Reference: Governmental Oversight and Productivity

Membership of the State Retirement Commission was reduced in 2001 from seven members to three members. However, the number required for a quorum was left at four. This bill corrects the quorum issue by increasing the membership of the commission from three to five, requiring a quorum of two members for the three-member panels that hear appeals, and requiring a quorum of three members for all other purposes.

The bill also authorizes letters of proof of disability from two licensed physicians outside of Florida for those state employees working in another state; removes the requirement that a state university system employee be employed for no less than one academic year prior to entering the State University Optional Retirement Program; and corrects a cross-reference.

The bill will have an approximate negative fiscal impact of \$10,000 annually on the Florida Retirement System Trust Fund to pay travel and per diem for the additional two members of the commission.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 185 – Public Records and Public Meetings Exemptions

By Harrell and others

Tied Bills: None

Iden./Sim Bills: CS/SB 676

Committee(s) of Reference: Governmental Operations; Future of Florida's Families; Criminal Justice; State Administration Council

The bill creates public records and public meetings exemptions for the State Child Abuse Death Review Committee, as well as the local committees. It creates a public records exemption for information that reveals the identity of the surviving siblings, family members, or others living in the home of a deceased child who is the subject of committee review. In addition, confidential or exempt information obtained by the state or local committees retains its status as such. The bill authorizes the committees to share confidential and exempt information with each other.

The bill creates an exemption from public meetings requirements for portions of meetings wherein confidential and exempt information is discussed.

The bill provides for future review and repeal of the exemptions on October 2, 2010, provides a statement of public necessity, and provides penalty provisions for violating the exemption.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 252 – Municipal Personnel/Annuities

By Fasano

Tied Bills: None

Iden./Sim Bills: HB 123

Committee(s) of Reference: Community Affairs; Governmental Oversight and Productivity; Ways and Means

The Legislature has granted certain Florida Retirement System (FRS) employers the authority to provide annuities that offset reductions in retirement income due to early retirement or to cover out-of-state service. District school boards, community college district boards of trustees, certain hospitals, and counties are authorized to purchase annuities for their employees.

The bill extends to cities participating in the FRS the same authority to purchase retirement annuities for city employees who have met certain requirements. It authorizes cities participating in the FRS to purchase annuities for their employees in order to encourage early retirement or to provide "credit" for out-of-state service not otherwise credited under the FRS.

The bill authorizes cities to invest funds, purchase annuities, or provide local supplemental retirement programs for purposes of providing annuities to city employees. Such annuities must comply with constitutional requirements relating to retirement system benefit changes.

The bill will have a fiscal impact on cities participating in the FRS who choose to provide such annuities to their employees.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

SB 288 – Seaport Security Plan/Pub. Rec./OGSR

By Domestic Security; Wilson

Tied Bills: None

Iden./Sim Bills: HB 1691

Committee(s) of Reference: Domestic Security; Governmental Oversight and Productivity; Rules and Calendar

The bill reenacts the public records exemption for seaport security plans of a seaport authority created by the Legislature, or of a local government seaport department that operates an international seaport.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HB 349 – Auditor Selection Procedures

By Brummer; Ambler

Tied Bills: None

Iden./Sim Bills: CS/SB 1072

Committee(s) of Reference: Governmental Operations; Local Government Council; State Administration Council

The bill addresses certain problems with local government auditor selection identified in Auditor General Report No. 2004-006, State of Florida Local Government Financial Reporting System. This bill revises the requirements governing the selection by counties, municipalities, special districts, district school boards, charter schools, and charter technical centers of auditors to perform the fiscal audit required by s. 218.39(1), F.S. The bill requires the use of audit committees, allows only licensed and qualified firms to provide audits, and amends the processes for selecting and contracting with audit firms.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 449 – Public Records Exemption

By Ambler and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1082

Committee(s) of Reference: Governmental Operations; Economic Development, Trade & Banking; Education Appropriations; State Administration Council

Florida law establishes the H. Lee Moffitt Cancer Center and Research Institute (Cancer Center) at the University of South Florida. The law also requires a Florida not-for-profit corporation (corporation) to govern and operate the Cancer Center. Records of the corporation and its subsidiaries are public records, though previous Legislatures made some of the records confidential and exempt from public disclosure.

The bill expands the corporation's public records exemption to conform it to the public records exemption afforded state university divisions of sponsored research. It expands the exemption relating to trade secrets to include information relating to methods of

manufacture or production, potential trade secrets, potentially patentable material, or proprietary information received, generated, ascertained, or discovered during the course of research conducted by the corporation or its subsidiaries. It further expands the exemption by making confidential and exempt information received by the corporation or its subsidiaries from an agency within this state or outside of Florida that is otherwise exempt or confidential.

The bill provides for future review and repeal of the exemption on October 2, 2010, and provides a statement of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 509 – Prompt Payment for Construction Services

By Reagan and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 632

Committee(s) of Reference: Governmental Operations; Local Government Council; State Administration Appropriations; State Administration Council

This bill re-designates the "Florida Prompt Payment Act," which currently applies to local governments, as the "Local Government Prompt Payment Act," and creates a new "Florida Prompt Payment Act" to apply to state projects.

The bill reduces time frames during which contractors and subcontractors must issue payments to their subcontractors and suppliers. It also restricts the percentage (retainage) state and local governments may withhold from each payment to contractors during construction. Upon substantial completion of construction projects, the bill requires state and local governments to develop a list of items (a punch list) for final acceptance of construction services purchased.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

SB 574 – Official Fruit of Florida

By Haridopolos and others

Tied Bills: None

Iden./Sim Bills: HB 99

Committee(s) of Reference: Agriculture; Governmental Oversight and Productivity

This bill designates the orange as the official state fruit.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 627 – Public Records

By Detert

Tied Bills: HB 381

Iden./Sim Bills: CS/CS/SB 698

Committee(s) of Reference: Governmental Operations; Economic Development, Trade & Banking; State Administration Council

The bill creates a public records exemption for investigation or examination information held by the Office of Financial Regulation of the Financial Services Commission, pursuant to an investigation or examination for compliance with the Consumer Finance Act, until the investigation or examination is completed or ceases to be active. However, the information will remain confidential and exempt from public disclosure if disclosure would:

- Jeopardize another active investigation or examination;
- Reveal the name, address, telephone number, social security number, or other identifying information of a complainant, customer, or account holder;
- Reveal the identity of a confidential source;
- Reveal investigative techniques or procedures; or
- Reveal a trade secret.

The bill provides for review and repeal of the exemption on October 2, 2010, and provides a statement of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005, if HB 381 or substantially similar legislation is adopted in the same legislative session or an extension thereof and becomes a law.

CS/CS/SB 652 – Public Construction Bonds

By Judiciary; Governmental Oversight and Productivity; Sebesta

Tied Bills: None

Iden./Sim Bills: HB 487 CS

Committee(s) of Reference: Governmental Oversight and Productivity; Judiciary

This bill amends the model bond form contained in s. 255.05(3), F.S., which is used for public construction projects, to add a space for entry of a bond number; and to include language on the face of the bond stating that any action instituted by a claimant under the bond for payment must be in accordance with the notice and time limitations provisions contained in s. 255.05(2), F.S. These provisions specify:

- A claimant no longer furnishing labor, services, or materials on a project, and who is provided with a notice of contest of claim against a payment bond, has 60 days to file suit.
- A claimant, except a laborer, must provide the contractor with a notice that he or she intends to use the bond either before commencing or no later than 45 days after commencing to provide services.
- A claimant, who is not in privity with the contractor and who has not received payment for his or her services, must deliver to the contractor and the surety written notice of the performance of services and of nonpayment either 45 or more days into the progress of the work, or no more than 90 days after the completion of the work.
- An action against the contractor or the surety on a payment and performance bond must be instituted within 1 year after the performance of services.

The bill provides that the statute of limitations is one year for filing a claim against any payment and performance bond for a public work. The bill specifies that, under no circumstances, may a statutory bond be converted into a common law bond. The bill

also exempts causes of actions against a surety insurer when the insurer acts in bad faith.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 729 – Public Records and Meetings Exemptions

By Goodlette

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1442

Committee(s) of Reference: Governmental Operations; Insurance; State Administration Council

The bill creates public records and public meetings exemptions for the Florida Self-Insurers Guaranty Association, Inc. (association). It makes claims files confidential and exempt from public records requirements until termination of all litigation and settlement of all claims arising out of the same accident. The bill creates a public records exemption for medical records and information related to the medical condition or medical status of a claimant. It provides an exception to the exemptions for governmental agencies upon written request.

The bill creates a public meetings exemption for those portions of meetings of the association's board of directors or of an association subcommittee wherein confidential and exempt claims files or medical records are discussed. All portions of exempt meetings must be recorded and transcribed. Minutes of those exempt portions of meetings are confidential and exempt from public records requirements until termination of all litigation and settlement of all claims arising out of the same incident.

The bill provides for future review and repeal of the exemptions on October 2, 2010, and provides a statement of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 822 – State Group Insurance Program

By Ways and Means; Crist

Tied Bills: None

Iden./Sim Bills: HB 295 CS

Committee(s) of Reference: Governmental Oversight and Productivity; Banking and Insurance; Ways and Means

The bill specifies that TRICARE is an approved product for inclusion in the state employee group health insurance program. TRICARE is the health insurance program for eligible active and retired military personnel and their covered dependents established by the Department of Defense and authorized in Title 10 United States Code, Section 1097.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/CS/SB 1010 – Administrative Procedures

**By Ways and Means; Judiciary; Governmental Oversight and Productivity;
Bennett and others**

Tied Bills: None

Iden./Sim Bills: HB 1747 CS

**Committee(s) of Reference: Governmental Oversight and Productivity; Judiciary;
Ways and Means**

The bill amends the Administrative Procedure Act (APA) to require Internet noticing of the Florida Administrative Weekly. It also includes several other provisions related to administrative procedures.

The bill requires the Department of State to publish the Florida Administrative Weekly (FAW) on a central Internet website with full search capabilities, in addition to the print version. Agencies and other advertisers will continue to pay a space rate to publish in the FAW. It is estimated that the FAW Internet website will have a non-recurring cost of \$250,000 to comply with the proposed implementation timeline.

In addition, the bill:

- Clarifies the appeal process following a proposed rule challenge;
- Restores to the APA an equitable remedy for untimely filed petitions for administrative determination;
- Clarifies that the filing of a petition for administrative determination of a proposed rule tolls all applicable time periods and not just the 90-day period;
- Provides authority for uniform rules of procedure related to bid protest bonds and agency enforcement and disciplinary actions;
- Requires that agency forms display the number, title, effective date, and the number of the rule in which the form is incorporated by reference;
- Requires that the uniform rules of procedure describe the contents of the notices published in the FAW relating to declaratory statements;
- Requires the Joint Administrative Procedures Committee to maintain a continuous review of statutes authorizing agency rulemaking, and removes the requirement that the committee undertake a systematic review of the statutes;
- Requires that the final order include a ruling on each exception, and provides that the final order does not become effective until the agency provides a copy to the Division of Administrative Hearings (DOAH);
- Requires the DOAH annual report to include recommendations as to the types of cases that should be resolved by the summary hearing process;
- Requires that the biennial agency report on rules identify the types of cases that should be resolved by the summary hearing process; and
- Conforms Florida's Equal Access to Justice Act to the federal counterpart.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005, except as otherwise expressly provided in the Act.

CS/SB 1144 – Public Records & Meetings

By Governmental Oversight and Productivity; Argenziano

Tied Bills: None

Iden./Sim Bills: HB 1731

Committee(s) of Reference: Governmental Oversight and Productivity; Judiciary; Rules and Calendar

The bill reorganizes exemptions located in chapter 119, F.S., Public Records Act, in order to group the exemptions by records custodian, in addition to grouping the exemptions by similar topics. It removes superfluous language pertaining to public records exemptions and makes cross-reference and editorial changes.

The bill makes clarifying changes to the Open Government Sunset Review Act of 1995, and removes duplicative language. Further, it expands the list of legislative issues to consider when reviewing public records and public meetings exemptions that have been certified for repeal by the Division of Statutory Revision.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

CS/CS/SB 1146 – Center for Efficient Government

By General Government Appropriations; Governmental Oversight and Productivity; Argenziano and others

Tied Bills: None

Iden./Sim Bills: HB 1835 CS

Committee(s) of Reference: Governmental Oversight and Productivity; Government Efficiency Appropriations; General Government Appropriations; Ways and Means

The bill creates mechanisms to improve the state's procurement, particularly in regard to large, complex procurements of contractual services. The bill:

- Creates the Center for Efficient Government (Center) and the Commission (Commission) on Efficient Government in the Department of Management Services. The Center is to be staffed with experts in various aspects of procurement. The Commission is composed of four agency heads and three private-sector members appointed by the Governor.
- Requires Center review and Commission approval of proposed major procurements at key decision points using a "centralized gate process" specified in the bill. Procurements requiring review include at a minimum those with an annual cost of \$10 million and above, requiring budgetary changes above \$1 million, or using nontraditional funding, such as from fees or shared-savings.
- Requires agencies to write business cases for certain services procurements and specifies the minimum components of such documents.
- Requires certain contracts for contractual services to contain specified provisions.
- Requires other agencies to conduct other related analyses and provide notice to the Legislature and Governor under certain conditions, such as when certain contract amendments are proposed and when other contracts are being considered for renewal or extension.
- Limits vendor involvement in state agency procurement activities and certain personnel-related matters.

- Repeals the Center and Commission in 5 years.
- Appropriates \$1 million and authorizes 9 FTE for the Center.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1377 – Ethics for Public Officers and Employees

By Ryan

Tied Bills: None

Iden./Sim. Bills: CS/CS/SB 1944; SB 2008

**Committee(s) of Reference: Governmental Operations; Ethics & Elections;
Transportation & Economic Development Appropriations; State Administration
Council**

The bill clarifies and revises portions of the state ethics code, and provides for additional restrictions on the conduct of current and former government employees and elected officials. The bill:

- Prohibits a state employee or any of its political divisions from participating in a political campaign while on duty.
- Allows select exempt employees, transferred from career service under Service First, to lobby their former agency immediately upon termination, instead of having to wait two years. However, no former employee may immediately lobby on a matter in which the employee participated while employed by a government agency.
- Changes the method for disclosing assets and liabilities.
- Requires disclosure of gifts by those leaving employment by July 1; a postmark by midnight on the due date constitutes a timely filed disclosure.
- Allows the Attorney General to file suit to recoup agency costs for collecting penalties.
- Allows unemployed state employees to work for the private entity who assumes the employees' former duties.
- Clarifies the Commission on Ethics' rule-making authority, specifying that lobbyists may appeal fines resulting from untimely filings of expense reports.
- Suspends a lobbyist's registration if the lobbyist fails to pay a fine, until the fine is paid or waived.
- Prohibits lobbyists from serving on the Commission on Ethics, grandfathering in any members of the commission as of July 1, 2005.
- Prohibits members of the Commission on Ethics from lobbying any state or local government entity, grandfathering in any members of the commission as of July 1, 2005.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

CS/CS/SB 1446 – Public Employee Optional Retirement

By Ways and Means; Governmental Oversight and Productivity; Argenziano

Tied Bills: None

Iden./Sim Bills: HB 1815 CS

Committee(s) of Reference: Governmental Oversight and Productivity; Ways and Means

The bill makes numerous changes to the Public Employee Optional Retirement Plan (PEORP or Investment Plan), which is managed by the State Board of Administration (SBA). The bill:

- Deletes obsolete language.
- Deletes obsolete cross-references.
- Amends definitions.
- Provides limitations on reemployment after retirement for Investment Plan members, in addition to penalties for violating the reemployment limitations.
- Creates consistent requirements between the Investment Plan and Pension Plan (the defined benefit plan) for new hire and second election filings, and beneficiary designation.
- Authorizes Pension Plan members in the Deferred Retirement Option Program to rollover, tax-free, their lump sum to the Investment Plan at termination.
- Provides for benefits checks not cashed within 10 years of issuance to be forfeited and reverted to the Investment Plan.
- Creates Investment Plan distribution requirements.
- Authorizes distribution of benefits in a form equivalent to a written application.
- Authorizes the SBA to invest in asset-backed securities.

In addition, the bill removes the requirement that one of the five State University System optional retirement program providers be a domestic company. According to the Division of Retirement of the Department of Management Services, there does not appear to be a domestic company that can fulfill the current requirements of the optional retirement program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

**HB 1699 – Review Under The Open Government Sunset Review Act
By Governmental Operations; Kottkamp**

Tied Bills: None

Iden./Sim Bills: SB 726

Committee(s) of Reference: State Administration Council

Current law provides a third-degree felony for the offense of “interference with custody”; however, a spouse who flees with a child because he or she is the victim of domestic violence or believes the welfare of the child is in danger does not commit a felony of the third-degree. The fleeing spouse must file a report with the sheriff's office or the state attorney's office of the county where the child resided at the time he or she was taken. The report must contain the name of the person taking the child, the current address and telephone number of the person and child, and the reasons the child was taken.

The bill reenacts and narrows the public records exemption for that information contained in the report. It narrows the exemption by only making confidential and exempt the name of the person fleeing with the child and the current address and telephone number of such person and child. The bill also extends the repeal date by one year in order to review inconsistencies within the substantive law, and directs the Division of Statutory Revision to certify the section for review.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 1729 – Review Under the Open Government Sunset Review Act

By Governmental Operations; Kottkamp

Tied Bills: None

Iden./Sim Bills: CS/SB 896

Committee(s) of Reference: State Administration Council

The bill reenacts and narrows the public records exemption for the Florida College Savings Program. It narrows the exemption by only making confidential and exempt information that identifies the benefactors and information that identifies the designated beneficiary of a Florida College Savings Program account.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

CS/CS/CS/SB 1784 – Professional Services Acquisition

By General Government Appropriations; Governmental Oversight and Productivity; Regulated Industries; Clary and others

Tied Bills: None

Iden./Sim Bills: HB 601 CS

Committee(s) of Reference: Regulated Industries; Governmental Oversight and Productivity; General Government Appropriations

This bill amends the Consultants' Competitive Negotiation Act (CCNA). The CCNA requires state agencies and certain local government entities to use a specific competitive negotiation process to procure certain architectural, professional engineering, landscape architecture, and registered surveying and mapping services. This process currently provides for the qualification and ranking of firms followed by negotiations with the top-ranked firms. The bill eliminates certain opportunities for the entities governed by the CCNA to consider compensation prior to commencing such negotiations or to force competition based on price. The bill also requires payment of transportation charges for spouses accompanying state officials traveling on state aircraft.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1817 – Review Under the Open Government Sunset Review Act

By Governmental Operations; Kottkamp

Tied Bills: None

Iden./Sim Bills: CS/SB 1024

Committee(s) of Reference: Finance & Tax; State Administration Council

The bill reenacts and narrows the public records exemption for the Certified Capital Company Act. It removes the public records exemptions for:

- Information regarding Office of Financial Regulation personnel or their families because such exemption has never been utilized.

- Information provided on a confidential or similarly restricted basis because such exemption appears overly broad.
- Social security numbers because it is duplicative of an existing exemption.

The bill repeals Program Two of the Certified Capital Company Act because it has not been funded, nor has it been implemented. It repeals, in five years, Program One and the public records exemption because Program One participants claim insurance premium tax credits expire after 10 years, and because the exemption will no longer be needed if Program One no longer exists.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 1861 – Review Under the Open Government Sunset Review Act
By Governmental Operations; Kottkamp
Tied Bills: None
Iden./Sim Bills: CS/SB 1028
Committee(s) of Reference: State Administration Council

The bill reenacts, with editorial and conforming changes, the public records exemption for the individual records of a child enrolled in a school readiness program.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HB 1921 – Review Under the Open Government Sunset Review Act
By Governmental Operations; Kottkamp
Tied Bills: None
Iden./Sim Bills: CS/SB 974
Committee(s) of Reference: State Administration Council

The bill reenacts and expands the public records exemption for domestic violence fatality review teams. The exemption is expanded to include information that identifies a victim of domestic violence or the children of the victim that is contained in a record created by a review team. The public meetings exemption is reenacted and expanded to include discussions of confidential or exempt information. The bill provides for future review and repeal of the exemptions on October 2, 2010, and provides a statement of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

CS/SB 1922 – Public Records/Meetings Exemptions
By Community Affairs; Sebesta and others
Tied Bills: None
Iden./Sim Bills: HB 1491
Committee(s) of Reference: Community Affairs; Governmental Oversight and Productivity; Rules and Calendar

Current law provides a public records and public meetings exemption for the Commission on Ethics and a county-established Commission on Ethics and Public Trust, with regard to information concerning a complaint or preliminary investigation conducted

by those commissions. The bill expands the current exemption to include a Commission on Ethics and Public Trust that is established by a municipality. It provides for future review and repeal of the exemptions on October 2, 2010, and provides a statement of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 1923 – Review Under the Open Government Sunset Review Act

By Governmental Operations; Kottkamp

Tied Bills: None

Iden./Sim Bills: CS/SB 680

Committee(s) of Reference: State Administration Council

The bill reenacts the public records exemption for proprietary confidential business information obtained from a telecommunications company or franchised cable company by a local governmental entity. It also reenacts the public records exemption for certain information relating to the location and capacity of a local government communications services facility. The bill makes editorial and clarifying changes.

Subject to the Governor's veto powers, the effective date of this bill is September 30, 2005.

Military & Veteran Affairs Committee

HB 691 – Military Personnel on Duty

By Seiler and others

Tied Bills: HB 747

Iden./Sim Bills: CS/SB 72

Committee(s) of Reference: Military & Veteran Affairs; Economic Development, Trade & Banking; Transportation & Economic Development Appropriations; State Administration Council

This bill directs the Agency for Workforce Innovation to establish the Citizen Soldier Matching Grants Program. The program would provide matching grants, in the form of reimbursements, to Florida private-sector employers that pay wages to their employees who are Florida residents serving on federal active duty in the United States Armed Forces Reserves or the Florida National Guard for active duty served after January 1, 2005.

This bill limits each grant to one-half of the difference between the amount of monthly wages paid to the employee at the level paid before the employee was called to federal active duty, and the employee's active duty base pay, housing and variable allowances, and subsistence allowance.

This bill requires the Agency for Workforce Innovation to develop a plan, by October 1, 2005, to administer the application and payment procedures for the program. The plan is subject to the notice, review, and objection procedures in s. 216.177, F.S., which require the Agency to submit the plan to the Chair and Vice Chair of the Legislative Budget Commission (s. 216.177(2)(a), F.S.). No matching grants may be awarded prior to approval of the plan.

This bill also ensures that professional licenses of deployed reservists and guardsmen and women do not expire while they are deployed. A 90-day extension from the time they return from federal active duty is also granted to renew the license if military orders or written verification are submitted to the license issuing authority within 90 days of their return. Those renewing their licenses during the extension may only be charged normal fees associated with renewing the license and may not be charged late or delinquency fees.

This bill appropriates \$1,862,961 from the General Revenue Fund and two positions to the Agency for Workforce Innovation to implement this program. This funding includes \$1,693,601 to provide for the estimated cost of the matching grants and \$169,360 for two positions and associated expenses needed for the administration of the program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 747 – Citizen Soldier Matching Grant Trust Fund

By Seiler and others

Tied Bills: HB 691

Iden./Sim Bills: CS/SB 74

Committee(s) of Reference: Military & Veteran Affairs; Economic Development,

Trade & Banking; Transportation & Economic Development Appropriations; State Administration Council

This bill creates the Citizen Soldier Matching Grant Trust Fund in the Agency for Workforce Innovation. The revenue for this trust fund will be appropriated by the Legislature for the purpose of awarding matching grants to private sector employers that provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty.

The trust fund created in this bill will be terminated, in accordance with s. 19(f)(2) of Article III of the State Constitution, four years after its effective date. This bill also provides for review of the trust fund prior to its termination pursuant to s. 215.3206, F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005, if HB 691, or similar legislation creating the Citizen Soldier Matching Grant Program, is adopted in the same legislative session or an extension thereof and becomes law.

SB 868 – E.R. Pipping, Jr., Memorial Act

By Dockery

Tied Bills: None

Iden./Sim Bills: HB 201 CS

Committee(s) of Reference: Transportation; Community Affairs

This bill creates the “Ellwood Robinson ‘Bob’ Pipping, Jr., Memorial Act” to honor Bob Pipping’s service, and to commemorate the sacrifices of military veterans and their families.

This bill authorizes the Florida Department of Transportation (FDOT) to enter into contracts with any not-for-profit organizations in operation for at least two years that wish to install monuments and memorials honoring Florida’s military veterans at highway rest areas across the state. The installations may consist of monuments, memorials, plaques, markers, or various retired military equipment, and must honor the accomplishments and sacrifices of military veterans and their families.

The monuments’ acquisition and installation costs must be paid by the organizations. In addition, the organizations are required to provide a renewable 10-year bond to pay for site modifications or monument removal.

This bill creates an inter-agency committee composed of the secretary of the FDOT or a designee, the executive director of the Florida Department of Veterans’ Affairs or a designee, and three appointed members of the Florida Commission on Veterans’ Affairs appointed by the chair of the commission to approve proposals for contracts.

This bill does not appear to have any state or local government fiscal impact.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

HB 1069 – Family Readiness Program

By Negron and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1592

Committee(s) of Reference: Military & Veteran Affairs; Insurance; Transportation & Economic Development Appropriations; State Administration Council

This bill creates a new section, s. 250.5206, F.S., for the Family Readiness Program under the Department of Military Affairs (DMA). The purpose of the program is to provide need-based assistance to families of members of the Florida National Guard (FNG) and the United States Armed Forces Reserves, including the Coast Guard Reserves, on active duty serving in the Global War on Terrorism, and who are federally deployed or participating in state operations for Homeland Defense.

The program's implementation depends on an appropriation expressly provided for the purpose of the program.

Program funds may be used in emergency situations to purchase critically needed services, including, but not limited to, reasonable living expenses, housing, vehicles, equipment or renovations necessary to meet disability needs, and health care.

Those eligible to receive awards under this program are military dependents or those appearing on an eligible service member's Emergency Data Record (Department of Defense Form 93) who are Florida residents.

Families requesting assistance shall bring their request to the federal Family Center Support Specialist stationed at a state armory or reserve facility near them for validation and assessment. Recommendations will then be forwarded to the program director in the FNG headquarters in St. Augustine, FL. The program director will then review the recommendations for eligibility, appropriateness, and sufficiency of documentation. The Adjutant General or his or her designee will make final determinations on the requests.

The DMA is to conduct monthly internal audits through its inspector general and provide data every year in an annual report to the Governor and Legislature.

This bill then authorizes the DMA to establish rules governing eligibility requirements and implementation of the program.

This bill appropriates \$5,000,000 from the General Revenue Fund for the program. It provides that \$10,000 of this appropriation be used for capital outlay and that three new Personal Service positions be created within DMA for the program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1189 – Education of Children of Deceased or Disabled Veterans

By Jordan and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1458

Committee(s) of Reference: Military & Veteran Affairs; Education Appropriations

Since 1941, Florida has provided educational opportunity for dependent children of

deceased or totally and permanently disabled veterans of the U.S. Armed Forces through the Scholarships for Children of Deceased or Disabled Veterans (CDDV). For students that qualify, they receive monetary benefits that cover their cost of tuition and registration. The students may participate in this program at any eligible state institution such as public state universities, community colleges, and technical schools, and eligible private colleges, universities, and technical schools that meet licensure, accreditation, and operation standards.

This bill amends s. 295.01, F.S., by removing the requirement that the deceased or disabled parents of dependent children applying for the CDDV had to have been a Florida resident at the time that they entered the Armed Forces, therefore allowing such parents to have entered the Armed Forces in any state.

In addition, this bill shifts the residency requirement from five years to one. Under this bill, the deceased or disabled service member parent must have been a Florida resident for one year preceding the occurrence of the service-related death or disability.

This bill adds Operation Iraqi Freedom to s. 295.0185, F.S., which contains an exemption to the requirements in s. 295.01, F.S., for children of deceased or totally disabled parents who are serving in Operation Enduring Freedom (Afghanistan). This allows parents of children applying for the CDDV to forgo the 1 year residency requirement to be eligible for the scholarship program; however, the children are still required to meet residency requirements for student financial aid in s. 1009.40, F.S.

The fiscal impact on state government expenditures is indeterminate. It is unknown how many new students would be eligible and apply for this benefit.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HOUSE OF REPRESENTATIVES

State Infrastructure Council

Representative David D. Russell Jr., Chair

Representative Adam Hasner, Vice Chair

2005 SUMMARY OF PASSED LEGISLATION



Growth Management Committee

Representative Randy Johnson, Chair

Representative Mike Davis, Vice Chair

Spaceport & Technology Committee

Representative Bob Allen, Chair

Representative Thad Altman, Vice Chair

Tourism Committee

Representative Nancy C. Detert, Chair

Representative Sheri McInvale, Vice Chair

Transportation Committee

Representative Ray Sansom, Chair

Representative Greg Evers, Vice Chair

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Growth Management Committee

CS/CS/CS/SB 360 – Infrastructure Planning and Funding

By Ways and Means; Transportation; Community Affairs and Bennett

Tied Bills: None

Iden./Sim Bills: HB 1453; HB 1865; CS/CS/CS/SB 444; SB 1886

Committee(s) of Reference: Community Affairs; Transportation; Ways and Means

The bill amends provisions relating to local comprehensive planning; developments of regional impact; transportation, public school, and water facilities; and provides for funding various infrastructure facilities.

The bill requires local comprehensive plans to be financially feasible. “Financially feasible” is defined to require sufficient revenues be available or committed to be available during the first 3 years, or be available from committed or planned sources during years 4 and 5 of the 5-year schedule of capital improvements. The bill requires the capital improvements element to include a schedule of capital improvement, and provides requirements for the schedule. Further, the bill requires the capital improvements element to be reviewed and updated annually by amendment to the local comprehensive plan, but through a streamlined review process. The bill provides for sanctions for a local government’s failure to annually update the schedule of capital improvements. Additionally, the bill requires that when a local government adopts a long-term concurrency management system, it adopt a corresponding capital improvements schedule which must be financially feasible.

The bill adds water supplies and public facilities to the other features included in the future land use plan element. Further, the bill amends provisions relating to both the water element and the intergovernmental coordination element. In the water element, the bill requires the inclusion of alternative and traditional water supply projects, and conservation and reuse efforts as identified in the regional water supply plan. The intergovernmental coordination element must now include the regional water supply authorities.

The bill amends provisions related to the designation of a rural land stewardship area. The plan amendment designating such an area must include adequate available work force housing as a part of the functional mix of land uses for the receiving area. The bill requires that a listed species survey be conducted for the receiving area at the time of designation. Further, the bill requires the establishment of a methodology for the creation, conveyance and use of transferable rural land use credits.

The bill extensively amends provisions related to the public school facilities element. It requires that each county and municipality, unless exempt or subject to a waiver, adopt a public school facilities element and enter into a public schools interlocal agreement. The bill provides for certain exemptions and waivers, and revises the scope of what the objectives and policies should address. The bill requires the element to include one or more future condition maps, including the general location of improvements to existing or new schools anticipated over the 5-year or longer planning period. The bill requires the Department of Community Affairs (DCA) to establish a phased schedule for adoption of the public school facilities element and adoption of the interlocal agreement which shall both be completed no later than December 1, 2008. Failure to adopt the element or

enter into the interlocal agreement by the scheduled date results in the prohibition from adopting amendments to the comprehensive plan which increase density until the amendment has been adopted and transmitted to DCA.

The bill encourages local governments to develop a community vision and to designate an urban service boundary. It provides procedures for each and procedural streamlined plan amendment processing as an incentive for such efforts.

The bill revises provisions related to the public school interlocal agreement. It requires the agreement to include a process for the school board to inform the local government regarding the effect of comprehensive plan amendments on school capacity. It provides an exception to the plan amendment and agreement adoption until the time of its evaluation and appraisal report for certain local governments. Additionally, the bill repeals s. 163.31776, F.S., relating to the public educational facilities element.

The bill amends the concurrency provisions, adding schools to those facilities subject to concurrency; and revising provisions related to transportation and water concurrency. It also provides that school concurrency shall initially apply on a district-wide basis, but must apply on a less than district-wide basis within 5 years. Regarding water concurrency, a local government must consult with the applicable water supplier to determine whether adequate water supplies will be available to serve new development no later than the anticipated date of issuance of a certificate of occupancy. The funds from a developer's fair share shall be committed to the acquisition of acreage for parks and recreation facilities no later than the local government's approval to commence construction. Transportation facilities shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation. The bill disallows a waiver for concurrency related to public schools for urban infill and redevelopment areas pursuant to s. 163.2517, F.S.

The bill revises provisions related to transportation concurrency exceptions. It requires additional steps prior to the designation of a concurrency exception area; and requires the de minimis exception criteria to be tracked and that local governments submit an annual summary of such tracking records to the state land planning agency.

The bill provides authority for local governments to adopt school concurrency management systems and commensurate long-term planning periods of up to 10 years for areas where significant backlog exists. The concurrency management system, for either transportation or schools, must be financially feasible. The bill provides that under certain circumstances, a long-term schedule of capital improvements of up to 15 years may be established for good and sufficient cause. If a local government establishes a long-term concurrency management system, it must periodically assess the system to determine any changes necessary to accelerate progress in meeting acceptable levels of service.

The bill provides that a site plan or final subdivision approval, or its functional equivalent, may not be denied on the basis of school concurrency, and if issued, development impacts shall be shifted to contiguous service areas with schools having available capacity. School concurrency is satisfied if a developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities

to be created by actual development. Sample types of mitigation are listed with requirements that must be satisfied.

The bill provides additional requirements for the designation of a multimodal transportation district, which includes consultation by local government with the Department of Transportation (DOT) regarding expected impacts on the Strategic Intermodal System; and requires local government to cooperatively plan with DOT to mitigate those expected impacts.

The bill requires each local government by December 1, 2006, to adopt by ordinance a methodology for assessing transportation proportionate fair-share mitigation options. It provides requirements for such methodology. It also provides an exemption for certain multiuse developments of regional impact.

The bill requires the Office of Program Policy Analysis and Government Accountability to perform a boundary adjustment study for the regional planning councils, the water management districts and the Department of Transportation districts. A report is due to the Governor and the Legislature by January 15, 2006.

The bill establishes the Century Commission, a fifteen member commission to help citizens envision and plan their collective future. The Commission is required to submit an annual report to the Governor and Legislature, beginning January 16, 2007. The Legislature is required to create a joint select committee to review the Commission's findings and recommendations.

The bill creates a Transportation Regional Incentive Program for the purpose of providing funds to improve regionally significant transportation facilities. Additionally, the bill revises several provisions of ch. 337, F.S., to provide DOT with authority necessary to implement programs contained in the bill and to expend funds consistent with those programs. Additionally, the bill provides for the development of certain multi-jurisdictional regional transportation plans.

The bill provides exemptions from development of regional impact review for development within: established urban service boundaries; certain rural land stewardship areas; and certain areas designated as urban infill and redevelopment areas.

The bill provides appropriations in the total amount of \$1.5 billion to fund the transportation, public school, and water facility infrastructure efforts addressed in the bill.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/CS/CS/CS/SB 442 – Building Safety

By Government Efficiency Appropriations; Banking and Insurance; Regulated Industries; Community Affairs; Bennett and others

Tied Bills: None

Iden./Sim Bills: HB 621 CS

Committee(s) of Reference: Community Affairs; Regulated Industries; Banking and Insurance; Government Efficiency Appropriations

The bill addresses a number of issues relating to the development and administration of

the Florida Building Code (code) and related building safety requirements. Some of the major provisions include:

- Revises the distribution of funds for the Hurricane Loss Mitigation Program, effective July 1, 2006;
- Allows nursing home residents or their representatives to request a change in the placement of the bed in their room, provided it does not infringe on the resident's roommate or interfere with the resident's care or safety;
- Provides that it is grounds for discipline for a building code administrator, engineer, or registered architect to perform building code inspections without the required insurance;
- Bars cities and counties from imposing additional certification or licensure requirements for state certified electrical and alarm contractors;
- Revises procedures governing the adoption and amendment of the Florida Building Code;
- Deletes certain provisions regarding the specific powers of the Florida Building Code Commission (commission), including the commission's ability to issue declaratory statements issued and the ability to hear appeals of the decisions of the local boards;
- Provides new procedures for binding review of building code decisions by local building officials;
- Clarifies provisions relating to truss placement plans and the code;
- Allows a fee owner's contractor, rather than only the fee owner of a building or structure, to use a private provider for building code inspection services;
- Exempts lawn storage building and storage sheds under 400 square feet from product approval and evaluation (s. 553.842, F.S.) and such storage buildings may be delivered and installed without a contractor's license;
- Restricts local governments' ability to use building code fee revenues for non-related activities;
- Exempts commission and hearing officer panels from APA rule requirements when reviewing decisions of local building officials;
- Revises the administration and operation of the Florida Building Code Training Program and redesignates this section as the "Building Code Education and Outreach Program" and creates the Building Code Education and Outreach Council (council) to coordinate, develop, and maintain education and outreach efforts associated with the code.
- Repeals s. 553.8413, F.S., relating to the Education Technical Advisory Committee.
- Modifies provisions relating to the local product approval and evaluation process and includes the International Code Council Evaluation Service as an authorized product evaluation entity;
- Requires a local government that adopts a fire sprinkler requirement for one and two-family residences to investigate the economic consequences of the requirement;
- Establishes an informal process for rendering non-binding interpretations of the Florida Fire Prevention Code;
- Revises requirements for local government approval of products for local application to provide enhanced reliance on the state-level product approval process;

- Creates the Mitigation Grant Program to provide a standard for the construction and retrofitting of doors and windows in government facilities and facilities designed to protect the public;
- Requires the inspection of backflow prevention assemblies every three years;
- Amends the term “point of service,” to replace the term “sprinkler system” with the term “fire protection system.” The bill further amends the term to delete the provision that the point of service is designated by the engineer who sealed the plans for a system of 50 or more sprinklers or by the contractor who designed the plans for a system of 49 or fewer sprinklers. A Contractor I, II, or IV may design a fire protection system which complies with the National Fire Prevention Association standard for one and two-family dwellings and manufactured homes.
- Creates certain requirements for the design of interior stairways in dwelling units;
- Authorizes the State Fire Marshall to adopt, by rule, standards for inspection tags for fire protection systems;
- Requires inspection of fire protection systems using national standards;
- Creates the Water-Based Fire Protection Inspector permit classification allowing the holder to inspect various water sprinkler systems;
- Decreases the amount of the biennial renewal fee for fire protection system certificate holders from \$250 to \$150. It sets an application fee of \$100 for the permit classification, and provides a biennial renewal fee in the amount of \$50. The fee for duplicate certificate is increased from \$5 to \$15 and the examination/reexamination fee for each class of certificate is \$100;
- Provides that the renewal period for the permit class will be the same as the biennial renewal period for certificate holders. The bill establishes a continuing education requirement of eight hours for permit holders by June 30, 2006, and increases that requirement to an additional 16 hours by June 30, 2008, and for each biennial renewal period thereafter;
- Requires that inspections of fire protection systems be conducted by a person holding a certificate or permit issued by the State Fire Marshal. The bill limits a permit holder to conducting inspections only while employed by the certificate holder and provides for discipline of permit holders;
- Creates a first degree misdemeanor offense for unauthorized persons to install service or repair a fire alarm system;
- Specifies that swimming pool exit alarms that comply with Underwriters Laboratory Standard Number 2017 satisfy the requirement of ch. 515, F.S.;
- Requires the Commission to integrate into the code standards for unvented attic spaces as adopted by the International Code Council;
- Directs the commission to address the issue of water intrusion and roof-covering-attachment weakness experienced in recent hurricanes;
- Provides that an application to a county or municipality for a site development plan, building permit, or other permit is deemed approved unless acted upon within certain time periods;
- Directs the Florida Building Commission to update the code with the most recent and relevant design standards for wind resistance of buildings issued by the American Society of Civil Engineers (ASCE Standard 7);
- Provides for incorporation into the code a repeal of a design option relating to internal pressure for buildings within the windborne debris region upon adoption of standards and conditions within the International Building Code prohibiting such design option;

- Appropriates \$200,000 from the Insurance Regulatory Trust Fund to the Department of Financial Services to develop a joint program between the Florida Insurance Council and the Florida Home Builders to educate builders on the benefits and options of designing buildings for windborne debris protection;
- Requires the Florida Building Commission and local building officials to evaluate the damage from Hurricane Ivan and make recommendations to the Legislature for changes to the code as it relates to the region from the eastern border of Franklin County to the Florida-Alabama line;
- Provides the effective date of the Florida Building Code, 2004 Edition, shall be October 1, 2005;
- Instructs the commission to evaluate the definition of “exposure category C” in the code and make recommendations for changing the definition to the Legislature;
- Repeals s. 553.851, F.S., relating to the procedure for recording and determining the location of underground gas pipelines;
- Provides that any disaster recovery mitigation organization or not-for-profit organization using volunteer labor to repair or replace disaster-impacted one-, two-, or three-family residences must obtain necessary building permits, obtain all required building code inspections, and provide for the supervision of all work by an individual with construction experience;
- Instructs the commission to amend the code to allow use of enclosed and unenclosed areas under mezzanines for the purpose of calculating the permissible size of mezzanines in sprinklered S2 occupancies of Type III construction;
- Provides that the Building Commission convene a workgroup to study the recommendation that the state be served by a single validation entity for state approval; and
- Creates the Manufactured Housing Regulatory Study Commission to review the programs regulating manufactured and mobile homes.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

HB 517 – University Campus Planning

By Cannon and others

Tied Bills: None

Iden./Sim Bills: SB 2614; HB 817; SB 1252

Committee(s) of Reference: Growth Management; Colleges & Universities; Education Appropriations; State Infrastructure Council

The bill revises requirements for a campus master plan so that only the general location of structures must be identified. It allows draft master plans to be submitted electronically to local governments and state agencies for review. This bill revises timing requirements for the two required public hearings for a local government that is adopting a campus master plan.

The bill provides for an evidentiary hearing relating to university campus master plans to be held by DOAH, rather than DCA; limits petitions to those issues previously presented to the board of trustees; provides for attorney fees if petitions are filed for improper purposes; revises procedures to resolve disputes between the university board of trustees and the host local government; requires the Board of Governor rather than the

State Board of Administration to adopt rules to administer the procedures for preparing and adopting the campus master plan.

The bill specifies that the signature of an attorney or a party represents that the person does not believe the pleading serves an improper purpose. The Administration Commission is authorized to impose sanctions on the person signing the pleading and the represented party if the pleading violates this provision.

This bill authorizes Florida Gulf Coast University to establish a School of Engineering and offer Bachelor of Science degrees in bioengineering, environmental and civil engineering, and engineering management within the School of Engineering.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 724 – Affordable Housing/Elderly

By Margolis and others

Tied Bills: None

Iden./Sim Bills: HB 287

Committee(s) of Reference: Community Affairs; Transportation and Economic Development Appropriations

The State Apartment Incentive Loan (SAIL) program is designed to stimulate production of affordable, multi-family rental housing for very-low income individuals and families. The SAIL program provides first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons. The Florida Housing Finance Corporation is responsible for the management of this program.

SAIL funds are reserved for specified tenant groups. The designated tenant group categories include: commercial fishing workers and farm workers; families; persons who are homeless; and elderly persons. Currently, 24 percent of the total amount is reserved for the elderly. Ten percent of the amount reserved for the elderly must be allocated to the Elderly Housing Community Loan Program to provide loans for building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life safety or security-related repairs or improvements to such housing. Loans issued under this program may not exceed \$200,000 per housing community for the elderly.

This bill increases the maximum loan amount under the SAIL program for projects funded through the Elderly Housing Community Loan Program from \$200,000 to \$750,000 per housing community.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 835 – Wind-Protection Provisions of the Florida Building Code

By Detert and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1232

Committee(s) of Reference: Growth Management; Local Government Council; State Infrastructure Council

The bill directs the Florida Building Commission to update the Florida Building Code, within their existing rule making authority, with the most current edition of the wind protection requirements of the American Society of Civil Engineers (ASCE Standard 7).

The bill provides for the repeal of the current option of designing buildings to resist internal pressures when the Florida Building Commission adopts the standards and conditions of the International Building Code or International Residential Code prohibiting such design options.

The bill appropriates \$200,000 for fiscal year 2005-2006 to the Department of Financial Services to develop a joint program between the Florida Insurance Council and the Florida Home Builders to educate builders on the benefits and options of designing buildings for windborne debris protection.

The bill also requires the Commission and local building officials to evaluate the damage from Hurricane Ivan and make recommendations to the Legislature for changes to the Building Code as it relates to the region from the eastern border of Franklin County to the Florida-Alabama line.

The bill instructs the Florida Building Commission to evaluate the definition of “exposure category C” in the Florida Building Code and make recommendations to the Legislature for changing the definition.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

SB 908 – Wekiva Parkway & Protection Act

By Constantine

Tied Bills: None

Iden./Sim Bills: HB 1013 CS

Committee(s) of Reference: Environmental Preservation; Community Affairs

This bill amends the Wekiva Parkway and Protection Act to correct certain glitches that have been discovered since the passage of the Act in 2004. Specifically, the bill:

- Provides that the Department of Environmental Protection can adopt rules to implement the specific recommendation in the report entitled “A Strategy for Water Quality Protection: Wastewater Treatment in the Wekiva Study Area”;
- Clarifies that for those local governments located partially within the Wekiva Study Area, the requirements for a master stormwater management plan and a wastewater facilities plan apply only to that portion of the local governments located within the Wekiva Study Area;
- Provides exceptions to the January 1, 2006 comprehensive plan amendments that must be adopted in the Wekiva Study Area;
- Exempts the interchanges located on Interstate 4 from the provisions requiring that local governments amend their comprehensive plans; and
- Corrects a reference to the East Central Florida Regional Planning Council.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

HB 951 – Florida Small Cities Community Development Block Grant Program

By Carroll

Tied Bills: None

Iden./Sim Bills: CS/SB 2284

Committee(s) of Reference: Growth Management; State Infrastructure Council

The bill amends existing law relating to the Community Development Block Grant (CDBG) program within the Department of Community Affairs (DCA). The bill provides:

- Two additional objectives, eliminating slum and blight and fortifying communities in urgent need, that the CDBG program to more closely match the federal regulations governing the program;
- An additional fundable category to the CDBG program for project planning and design.
- Increased funding flexibility for the CDBG program by permitting DCA to establish the funding percentages of each fundable category.
- Changes to the emergency set-aside provision of the program and makes the set aside optional.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 955 – Waterfront Property

By Berfield and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1316

Committee(s) of Reference: Growth Management; Environmental Regulation; Fiscal Council; State Infrastructure Council

The bill creates the "Waterfronts Florida Program" within the Department of Community Affairs (DCA) to provide technical assistance and support to communities in revitalizing waterfront areas in the state. It requires comprehensive plans of coastal counties to include within certain elements of their plan, efforts to preserve recreational and commercial working waterfronts and provides a definition of recreational and commercial working waterfronts.

The bill requires the Board of Trustees of the Internal Improvement Trust Fund to encourage the use of sovereign submerged lands for water-dependent uses and public access. It includes more applicable forms of authorization so the Board of Trustees and the Department of Agriculture and Consumer Services (DACS) have the opportunity to consider alternative forms of authorization which may be more appropriate for aquaculture support facilities.

The bill instructs the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission (FWCC), to conduct a study of the use of state parks for recreational boating to identify opportunities to increase recreational boating access within the state park system.

The bill provides that \$1 from fees paid on boat registration in the state be deposited into the Marine Conservation Trust Fund to fund a grant program for public launching

facilities. In addition, counties that demonstrate through an annual detailed accounting report of vessel registration revenues that at least \$1 of the registration fees were spent on boating infrastructure will be exempt from paying the \$1 into the Marine Conservation Trust Fund. The report is to be provided to the FWCC no later than November 1 of each year. The commission is to provide an exemption letter to the department by December 15 of each year for qualifying counties.

Local governments are authorized to adopt an ordinance to allow for a tax deferral program for owners of recreational and commercial working waterfronts if the owner is operating, rehabilitating or renovating such property. The owner of the property is no longer entitled to the deferral if there is a change in use or ownership. At that time, the total amount of deferred taxes and interest for all previous years becomes due and payable November 1 of the year when the change occurs. The bill provides for penalties for individuals willfully submitting false information in relation to the tax deferral program.

The bill automatically certifies municipalities that are designated as rural areas of critical economic concern and are located within a county eligible to levy the Small County Surtax. The developments of regional impact exemption applies to the qualified certified areas as long as they remain certified and only during the effectiveness of the designation. This does not exempt any of these areas from meeting concurrency requirements, as well as federal, state and local environmental permit requirements.

The bill exempts the establishment, relocation, or expansion of any military installation from developments of regional Impact.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2006.

Spaceport & Technology Committee

CS/CS/SB 1494 – Information Technology Management

By General Government Appropriations; Governmental Oversight and Productivity; Argenziano and Lynn

Tied Bills: None

Iden./Sim Bills: HB 1927 CS

Committee(s) of Reference: Governmental Oversight and Productivity; General Government Appropriations

The bill creates the Florida Technology Council (FTC) as the successor organization to the State Technology Office (STO). The FTC takes on the role of enterprise leadership, planning, and coordination for information technology in the state. The FTC is charged with developing a statewide information technology strategic plan, developing the agency investment management process, recommending a project management methodology, statewide policies, standards, guidelines, and procedures. Operational duties currently provided by the STO are reassigned to the Department of Management Services (DMS). These program areas include statewide communications, wireless communications services, data center services, and computer security services. Each agency head is accountable for information technology management within their agency.

Each agency is charged with implementing an information technology investment management process, as well as a project management methodology. The investment process will support agency information technology decision making, aid in focusing scarce resources on highest priorities, and improve accountability. The project management methodology will aid in keeping information technology project implementation on-task, on-budget, and on time. Agencies will also prepare an information technology portfolio to report information technology projects in an investment portfolio style. These tools will aid the Governor and the Legislature in evaluating information technology return on investment and the need for future investments.

The bill provides for 16 positions within the FTC. It also contains an appropriation of \$2 million for FY 2005-06 to the FTC to implement the provision of the bill.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

Tourism Committee

SB 114 – Entertainment Industry Financial Trust Fund

By Saunders and others

Tied Bills: None

Iden./Sim Bills: HB 1131 CS

Committee(s) of Reference: Commerce and Consumer Services; Transportation and Economic Development Appropriations

The bill creates the Entertainment Industry Financial Incentive Trust Fund. The trust fund is created within, and administered by, the Governor's Office of Tourism, Trade, and Economic Development. It is created to facilitate the payment of incentives under the entertainment industry financial incentive program in s. 288.1254, F.S. The bill also requires that balances in the trust fund at the end of each fiscal year remain in the fund and be available for carrying out the purposes of the fund, thereby preventing appropriations from the General Revenue Fund or other sources from reverting if the appropriations are not used during the fiscal year for which they were provided.

The trust fund created in the bill terminates, in accordance with s. 19(f)(2) of Article III of the State Constitution, four years after its effective date, if not terminated sooner. The bill also provides for review of the trust fund prior to its termination pursuant to s. 215.3206, F.S.

The 2005 General Appropriations Act appropriated \$10 million for the entertainment industry financial incentive program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1129 – Economic Development

By Davis, D.

Tied Bills: None

Iden./Sim Bills: CS/SB 1372

Committee(s) of Reference: Tourism; Transportation & Economic Development Appropriations; State Infrastructure Council

In addition to technical and clarifying changes, the bill broadens the definition of what constitutes "entertainment industry" to include television programming for purposes of the responsibilities and activities of the Governor's Office of Film and Entertainment and for the entertainment industry incentives offered under the auspices of that office. The bill expands the definition of "filmed entertainment" for purposes of the entertainment industry financial incentive program in s. 288.1254, F.S., and further defines the terms "motion picture" and "digital-media-effects." Also, the definitions of "production costs," "qualified expenditures," and "qualified production" are amended to conform to other definitional changes, to provide more detail, and to clarify that productions cannot be eligible for incentive funding if they have already begun certain activities in the state.

The application and approval process for the entertainment industry incentive program is amended to allow a digital-media-effects company to apply for reimbursement for providing digital material to filmed entertainment as defined in the bill.

The reimbursement eligibility and recommendation for payment provisions are changed. Included in those changes is an expansion of the types of qualified productions eligible for up to 15 percent reimbursement up to a maximum of \$2 million and the criteria for determining demonstration of minimum total qualified expenditure. The bill establishes two queues for the incentive funds. The first queue is to have 60 percent of any incentive money dedicated to it and the second queue is to have a dedication of 40 percent of all incentive money.

In addition, the eligibility for funding is changed from a first-come, first-served basis for all projects to the following: for the first 2 weeks of an application period, the funding is based upon a project's principal photography start date; then, projects are funded on a first-come, first-served basis within their individual queue. On February 1 of each year, all funds remaining will be combined and distributed on a first-come, first-served basis. If eligibility is withdrawn from a qualified production, funds will be reallocated to the next qualified production in the queue that has not received 15 percent of financial reimbursement or the maximum allowable and has not started principal photography when the funds become available.

The entertainment industry incentive program is dependent upon specific appropriation. The 2005 General Appropriations Act appropriated \$10 million for the program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1305 – Department of State

By Tourism; Detert and others

Tied Bills: HB 1307

Iden./Sim Bills: CS/SB 2152; includes part of CS/SB 2546 and HB 1859

**Committee(s) of Reference: Transportation & Economic Development
Appropriations; State Infrastructure Council**

The bill addresses various statutory responsibilities of the Divisions of Cultural Affairs, Historical Resources, Library and Information Services, and Corporations within the Department of State. Changes made by the bill delete obsolete language, conform language to federal requirements, clarify responsibilities of the divisions and advisory commissions and councils, and provide additional safeguards of state funds for the Cultural Endowment, Cultural Facilities, and Regional Cultural Facilities Programs.

In the area of cultural affairs, the bill designates the Division of Cultural Affairs as the state arts administrative agency; requires a post-audit for cultural endowment recipients; requires a recordation of a restrictive covenant for cultural facility and regional cultural facility grantees, as well as a requirement for bonds and for repayment of grant awards under certain circumstances; creates a citizen support organization to assist the division with its cultural and arts programs; deletes obsolete language; and repeals language relating to the authority of the department to enter into indemnity agreements.

In the area of historical resources, the bill permits Florida Historical Commission members to stay in office until a replacement is appointed; permits the Commission's presiding officer to appoint a designee to chair certain grant panels; amends location and citizen advisory requirements for regional offices; provides for the establishment of

endowments; requires rules for prohibited practices and penalties; and removes obsolete language.

In the area of library and information services, the bill designates the Division of Library and Information Services as the state library administrative agency for federal purposes; changes the size, composition, and selection process of the State Library Council; modifies the responsibilities of the State Librarian; provides definitions for the chapter governing the division; and creates a citizen support organization to assist the division with its library, archives, and records management programs. The bill also revises language relating to library grants to reflect correct terminology.

Finally, in the area of corporations, the bill deletes an obsolete provision of law requiring the Division of Corporations to be accountable for certain performance standards for Uniform Commercial Code documents.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 1454 – "Tourist Safety Act of 2005"

By Judiciary and Webster

Tied Bills: None

Iden./Sim Bills: HB 121

Committee(s) of Reference: Commerce and Consumer Services; Judiciary

The bill creates the "Tourist Safety Act of 2005" to prohibit the distribution of handbills, without permission, on private property controlled or owned by any public lodging establishment upon which it is posted that advertising or solicitation is prohibited. The term "handbill" is defined as any flier, leaflet, pamphlet, or other written material that seeks to advertise, promote, or inform persons about an individual or business, and does not include employee communications permissible under the National Labor Relations Act. The term "without permission" is also defined and the requirements for posting of signs prohibiting distribution of handbills are delineated.

The bill makes it a first degree misdemeanor to violate this prohibition and to direct another person to violate the prohibition. In addition to any other penalty imposed by the court, a person who directs another to violate the prohibition shall be ordered to pay a minimum fine of \$500.

Since the bill provides for only misdemeanor penalties, there will not be a state prison bed impact. The impact on local law enforcement is indeterminate since these offenses are new and there is no statistical data available to estimate the number of violations. Finally, the local clerks of court will be collecting fines from violators; however, because of the lack of statistical data on the new offenses, the amount of the fines to be collected is indeterminate.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 1980 – Florida Commission on Tourism

By Sebesta

Tied Bills: None

Iden./Sim Bills: HB 1269

Committee(s) of Reference: Commerce and Consumer Services; Ethics and Elections

The bill increases the membership of the Florida Commission on Tourism (commission) from 34 to 35 with the addition of a member from a statewide association representing restaurants.

The bill also revises financial disclosure requirements for commission members, providing that a member who is not otherwise required to file a Full and Public Statement of Financial Interests, pursuant to s. 8, Art. II of the State Constitution or s. 112.3144, F.S., to file a Statement of Financial Interest, pursuant to s. 112.3145, F.S. This change conforms the requirement to that of other similarly created public-private partnerships, boards and commissions, e.g., Enterprise Florida, Inc., Black Business Investment Board, and Workforce Florida, which are required to file the statutory, rather than the constitutional, financial disclosure.

Finally, the bill deletes the requirement for the commission to establish a statewide nature and heritage tourism advisory committee. Statutory requirements regarding the incorporation of nature-based tourism and heritage tourism components in the comprehensive marketing plan and the elements of the plan related to those components are not changed by this deletion.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

Transportation Committee

HB 63 – Disabled Parking Permits

By Simmons and others

Tied Bills: None

Iden./Sim Bills: SB 870

Committee(s) of Reference: Transportation; Military & Veteran Affairs; State Infrastructure Council

Under current law, certain persons with disabilities are eligible for a disabled parking permit. The permit may be issued only to a person who is certified as being legally blind or who has certain disabilities that render him or her unable to walk 200 feet without stopping to rest. Current law authorizes physicians, optometrists, and similarly licensed physicians from out-of-state (who meet certain criteria) to make certification of disability. Also authorized to make disability certification are advanced registered nurse practitioners within a facility operated by the United States Department of Veterans Affairs under protocol of a licensed physician and physician assistants licensed in a facility operated by the United States Department of Veterans Affairs.

The bill expands the class of medical personnel who are authorized to certify a person as disabled for the purposes of proving eligibility for a disabled parking permit. The bill provides that all advanced registered nurse practitioners licensed under chapter 464, F.S., under the protocol of a licensed physician, and all physician assistants licensed under chapters 458 or 459, F.S., are eligible to make the disability determination. The bill also provides for disciplinary actions against advanced registered nurse practitioners and optometrists who violate the provisions governing disabled parking permits.

Subject to the Governor's veto powers, the bill is effective upon becoming law.

HB 157 – Motor Vehicles

By Sorensen and others

Tied Bills: None

Iden./Sim Bills: CS/SB 732

Committee(s) of Reference: Transportation; Criminal Justice; Transportation & Economic Development Appropriations; State Infrastructure Council

The bill, also known as the "Road Rage Reduction Act," expresses the Legislature's intent "to decrease the incidence of drivers interfering with the movement of traffic, to reduce road rage and aggressive driving, to minimize crashes, and to promote the orderly, free flow of traffic on the roads and highways of the state."

In addition, the bill requires a person operating a motor vehicle on a two-lane roadway designed for two-way movement of traffic to occupy the right-hand lane at all times, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. The bill requires traffic traveling in the far left hand lane on a limited access roadway having two or more lanes for each direction of travel to yield the right of way to any vehicle traveling at a higher speed, by moving to the nearest lane to the right. It also prohibits a person from operating a motor vehicle on a four-lane highway, an interstate highway, a highway with fully controlled access, or the Florida

Intrastate Highway System, in the left-hand lane except when overtaking or passing another vehicle. The bill provides a number of exceptions to this general rule. These changes will become effective January 1, 2006.

The bill provides that a violation of the Act is a non-criminal traffic infraction, punishable as a moving violation. A person violating this provision would be subject to a \$60 fine, plus applicable fees and court costs. The fees and court costs vary from county to county, but the total paid for each citation would range from \$112.50 to \$118.50, and an assessment of three points against the driver's license. In addition, the Department of Highway Safety and Motor Vehicles is required to conduct a public awareness campaign to inform the motoring public about changes in the law, and to utilize, in cooperation with the Florida Highway Patrol, public service announcements. The bill also provides a six month grace period when warnings and educational literature may be issued for violations of driving on the right side of the roadway.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 276 – Wrecker Services

By General Government Appropriations; Crist and Wilson

Tied Bills: None

Iden./Sim Bills: HB 341 and includes parts of HB 571, HB 1697, CS/CS/SB 492, and CS/SB 1344

Committee(s) of Reference: Transportation; Commerce and Consumer Services; Criminal Justice; Judiciary; Community Affairs; General Government Appropriations

The bill creates state regulation of wrecker companies and operators. Specifically, the bill:

- Requires annual registration of wrecker companies with the state Department of Agriculture and Consumer Services (DACS).
- Requires certification and continuing education of tow-truck operators.
- Creates a seven-member Wrecker Operator Advisory Council, appointed by the Commissioner of Agriculture, to approve curricula and course providers. Three members of the Council must have owned wrecker companies at least 5 years prior to appointment; one member must have been a wrecker operator for at least 5 years before appointment; two members must be laypersons; and one member must be an officer of an organization whose members are engaged in the wrecker and towing business.
- Directs DACS, in consultation with the council, to issue rules implementing the new requirements.
- Lists prohibited acts by the wrecker industry and specifies penalties.
- Establishes an annual registration fee of \$515 for a wrecker company.
- Specifies that unregistered wrecker companies may not be on the wrecker allocation lists used by law enforcement officers; and
- Exempts from these regulatory provisions businesses which derive at least 80 percent of gross sales from repairs to motor vehicles, licensed automobile dealers, and businesses that regularly tow mobile homes.

Other changes also included in the bill:

- Specifies that tow trucks shall be required to have only one tag, to be placed on the front of the vehicles;
- Clarifies that vessels parked without permission on real property may be towed and disposed of;
- Creates a section of law on liens for towed, recovered, and stored mobile homes;
- Maintains the authority of local governments to set maximum rates for towing; and
- Requires that wrecker operators accept at least two of the following forms of payment: cash (or cash equivalent), personal checks, or credit cards.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 385 – State Facility Designations

By Rubio

Tied Bills: None

Iden./Sim Bills: CS/SB 770; includes parts of HB 527, SB 820, SB 1038, SB 1058, SB 1170, SB 1606, SB 1700, and SB 1918

Committee(s) of Reference: Transportation; State Infrastructure Council

This bill specifies 33 honorary designations of roads, bridges and other transportation-related facilities throughout Florida. The cost to the Florida Department of Transportation to erect the honorary road or bridge signs is an estimated \$26,400. The signs can not be erected until the local government in which the honorary designation is located passes an ordinance in support.

The honorary designations are:

- That portion of S.W. 8th Street, between S.W. 62nd Avenue and S.W. 67th Avenue, in Little Havana is designated as "Ramon Puig Way."
- That portion of N.W. 167th Street, between N.W. 57th Avenue and N.W. 67th Avenue, in Miami Lakes is designated as "Shawn O'Dare Way."
- That portion of S.W. 129th Terrace, between East 67th Avenue and 64th Avenue in Miami-Dade County is designated as "Marge Pearlson Way."
- That portion of Coral Way (S.W. 24th Street), between 107th Avenue and 109th Avenue, in Miami-Dade County is designated as "Jorge Cabrera Way."
- The New River Bridge on State Road 16 in Bradford and Union counties is designated as the "Correction Officers Memorial Bridge."
- That portion of State Road 528, between its western terminus in Orange County and its eastern terminus in Brevard County, excluding that portion between U.S. Route 1 and State Road 3, is designated as the "Martin Andersen Beachline Expressway."
- That portion of State Road 429 between Interstate 4 and U.S. Highway 441 in Orange County is designated as the "Daniel Webster Western Beltway."
- That portion of Nova Road between Granada Boulevard and U.S. Highway 1 in Volusia County is designated as the "Robert F. Grim, Sr., Memorial Parkway."
- That portion of U.S. Highway 331 from its intersection with U.S. Highway 90 South to the southern border of the city of DeFuniak Springs in Walton County is designated as "Veterans Memorial Boulevard."
- The overpass on 77th Avenue East (Bridge # 130090) over Interstate 275 in Manatee County is designated as the "Southeastern Guide Dog Overpass."

- The Florida Welcome Center on Interstate 75 in Hamilton County at the Florida-Georgia state line is designated as the “Joseph O. Striska Florida Welcome Center.”
- That portion of U.S. Highway 27 in Highlands County is designated as the “Purple Heart Memorial Highway.”
- That portion of Interstate 275 in Pinellas County that extends from the Howard Frankland Bridge to the Sunshine Skyway Bridge is designated the “St. Petersburg Parkway/ William C. Cramer Memorial Highway.”
- The bridge over the Loxahatchee River on State Road (Alternate) A1A in the town of Jupiter in Palm Beach County is designated as the “Richard E. ‘Pete’ Damon Bridge.”
- The cable-barrier system along the Florida Turnpike in Palm Beach, St. Lucie, and Miami-Dade counties is designated the “Alexander Alden Ware Memorial Cable Barrier System.”
- That portion of State Road 916 on N.W. 135th Street between N.W. 7th Avenue and N.E. 6th Avenue in Miami-Dade County is designated as “Roi Henri Christophe Boulevard.”
- That portion of State Road 916 on N.W. 135th Street between N.W. 17th Avenue and N.W. 7th Avenue in Miami-Dade County is designated as “Charles Summer Boulevard.”
- That portion of State Road 916 on N.E. 135th Street between N.E. 6th Avenue and Biscayne Boulevard is designated as “Capois-La-Mort Boulevard.”
- That portion of State Road 934 on N.W. 79th Street between Interstate 95 and N.E. 10th Avenue in Miami-Dade County is designated as “Jean Baptiste Point du Sable Boulevard.”
- The portion of State Road 50 in Lake County between the community of Stuckey and the Mascotte city limits is designated as “Eric Ulysses Ramirez Highway.”
- That portion of Interstate Highway 4 in the vicinity of mile marker 123 in Volusia County is designated as “Trooper Darryl Haywood Highway.”
- That portion of Nova Road in Volusia County between International Speedway Boulevard to George W. Ingram Boulevard is designated as the “David Hinson Parkway.”
- That portion of International Speedway Boulevard between Nova Road and Beach Street in Volusia County is designated as “Charles W. Cherry, Sr., Parkway.”
- That portion of New Kings Road (U.S. 1) in Duval County between the 2400 block and the 3700 block is designated as “Taye Brown Parkway.”
- That portion of the Haines Street Expressway between Jessie Street and Eighth Street in Duval County is designated as “Charles B. Dailey Parkway.”
- That portion of U.S. Highway 1 between Finch Avenue and Redpoll Avenue in Duval County is designated as “Johnnie Mae Chappell Parkway.”
- That portion of East Silver Springs Boulevard, State Road 40, in the City of Ocala from East 11th Avenue to East 16th Avenue is designated as the “Dr. John M. Haile Memorial Boulevard.”
- The Sunshine Skyway Bridge over Tampa Bay is designated as the “Bob Graham/ Sunshine Skyway Bridge.”
- The portion of 104th Street between U.S. 1 and 97th Avenue is designated as “Ricardo Karakadze Street.”

- That portion of State Park Road at the entrance to the Falling Waters State Recreational area, from Joiner Road to Falling Waters Road, in Chipley, Washington County, is designated as the "Ralph C. Carter Parkway."
- That portion of U.S. Highway 90, between Davis Lane and Old Airport Road in Walton County, is designated as the "Henry Koerber Parkway."
- The portion of U.S. Highway 441 between Plymouth Sorrento Road and State Road 436 in Orange County is designated as the "Fred N. Dunn, Sr., Highway."
- That portion of 56th Street between Fletcher Avenue and Dr. Martin Luther King Boulevard in Hillsborough County is designated as "Art Pepin Boulevard."

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 401 – Southwest Florida Transportation

By Davis, M. and others

Tied Bills: None

Iden./Sim Bills: SB 102

Committee(s) of Reference: Transportation; Transportation & Economic Development Appropriations; State Infrastructure Council

The bill creates the Southwest Florida Expressway Authority (the Authority) in a new Part X of Chapter 348, F.S. The Authority will have the general powers and duties of all the existing expressway authorities, such as the ability to enter into contracts, acquire land, set tolls, and hire staff. Bonds for the Authority's projects can either be issued on its behalf by the state Division of Bond Finance or by the Authority itself.

The Authority will have an eight-member governing board comprised of: one permanent resident each from Collier and Lee Counties, appointed by the Governor; one permanent resident of Collier County appointed by the Collier County Commission; one permanent resident of Lee County appointed by the Lee County Commission; one member each from the Collier and Lee County Commissions; the executive director of the Southwest Florida Regional Planning Council; and the secretary of the Florida Department of Transportation (FDOT) district that includes Collier and Lee Counties. The FDOT District 1 secretary is a non-voting member.

The Authority's projects are limited to tolled expressway lanes and support facilities on Interstate 75 in Collier and Lee Counties. The Authority contemplates entering into a lease-purchase agreement with FDOT, whereby FDOT would operate and maintain the tolled facilities and at some point would own the system and make it part of the state road system.

The act creating the Authority will "sunset" in 12 years after its effective date if the Authority has no outstanding indebtedness, no studies or project designs underway, or no projects under construction, and if it is not operating or maintaining the system.

Subject to the Governor's veto powers, the effective date of this bill is upon passage of resolutions from the Lee and Collier County Commissions, but no earlier than July 1, 2005.

CS/CS/SB 492 –Recovering, Towing, and Storage of Motor Vehicles, Vessels, and Mobile Homes

By Criminal Justice, Judiciary, Bennett and Crist

Tied Bills: None

Iden./Sim Bills: HB 571

Committee(s) of Reference: Transportation; Judiciary; Criminal Justice

This bill creates a separate section of law regulating the towing, storage, and placing of liens on mobile homes, in a manner substantially the same as for vehicles and vessels. The Department of Highway Safety and Motor Vehicles is directed to promulgate rules to implement these provisions.

The bill also:

- Limits a wrecker operator's liability for damages for removing vehicles, vessels, and cargo obstructing a roadway in compliance with the request of a law enforcement officer's request;
- Clarifies that vessels parked without permission on private property may be towed, in the same manner as vehicles;
- Clarifies a wrecker operator's responsibility to release a vehicle or vessel to the owner for no more than one-half the towing rate before it is removed from the premises in which it is unlawfully parked;
- Prohibits the payment or acceptance of consideration for the privilege of towing vehicles from a particular location;
- Creates criminal penalties for wrecker operator conduct that is already prohibited under existing law. The penalties are third degree felonies.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 497 – Highway Safety

By Cannon and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1264, CS/SB 2516

Committee(s) of Reference: Transportation; Judiciary; Fiscal Council; State Infrastructure Council

Presently, a driver failing to obey a red traffic signal is subject to a civil penalty of \$60 and, under certain circumstances, is required to complete a driver improvement course. The bill creates the "Angelica and Victoria Velez Memorial Traffic Safety Act" and makes the following changes:

- Increases the civil penalty for a driver failing to obey a red traffic signal from \$60 to \$125, and assesses 4 points against a driver failing to obey a traffic control signal device.
- Requires an operator to complete a driver improvement course for a second violation occurring within 12 months of the first violation.
- Distributes moneys collected from the increased civil penalty to trauma centers based on trauma caseload and severity of trauma patients.
- Subjects trauma centers provided funding under the bill to audit and attestation requirements regarding use of the funds.

The Revenue Estimating Conference has estimated that the increase in the amount of the traffic fines will generate \$0.6 million in FY 05-06 and \$1.2 million in 06-07 to the General Revenue Fund, and \$7.5 million in FY 05-06 and \$15.1 million in 06-07 to the Administrative Trust Fund in the Department of Health to provide funding for trauma centers.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

CS/SB 530 – DUI/Ignition Interlock Device

By Transportation and Economic Development Appropriations; Wise and others
Tied Bills: None

Iden./Sim Bills: HB 261

Committee(s) of Reference: Transportation; Criminal Justice; Transportation and Economic Development Appropriations

CS/SB 530 requires the Florida Department of Highway Safety and Motor Vehicles (DHSMV), prior to reinstating a permanent or restricted license, to require placement of an ignition interlock device for persons convicted of driving under the influence (DUI) when the court has failed to order placement of the device as specified in s. 316.193, F.S. The bill provides an exception to this requirement, which permits DHSMV, in its discretion, to issue a license without requiring interlock installation if the person has a medical condition that prohibits an ignition interlock device from functioning properly.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 623 – Former Military Vehicles

By Littlefield and others

Tied Bills: None

Iden./Sim Bills: SB 1240

Committee(s) of Reference: Transportation; Military & Veteran Affairs; State Infrastructure Council

The bill contains a number of changes related to former military vehicle requirements and exemptions. The provisions of the bill include:

- Defines former military vehicles as a vehicle, including a trailer, regardless of the vehicle's size, weight, or year of manufacture, that was manufactured for use in any country's military forces and is maintained to represent its military design and markings accurately;
- Exempts former military vehicles from being equipped with a windshield if the Department of Highway Safety and Motor Vehicles determines that the exemption is necessary to maintain the vehicle's accurate military design and markings;
- Requires the operator and passengers of former military vehicles to wear approved eye-protective devices when the vehicle is operating on public roads and highways;
- Provides that a violation of the windshield or eye-protection requirements provision is a nonmoving violation;
- Exempts former military vehicles that are 30 years old or older and used only in exhibitions, parades, or public display, from front-end registration license plates

and from any requirement to display license plates or registration insignia if the license plate and registration are carried within the vehicle and available for inspection; and

- Provides for issuance of special, permanent license plates for privately used former military vehicles.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 625 – Abandonment of Roads

By Littlefield; Allen

Tied Bills: None

Iden./Sim Bills: CS/SB 1130

Committee(s) of Reference: Transportation; Local Government Council; State Infrastructure Council

The bill eliminates a restriction on a municipal to government's authority to abandon or close a city road. Cities currently are unable exercise this authority because only counties have the express authority to abandoned roads under Chapter 316, F.S. The key provision in the bill is the relocation of county road-abandonment provisions from Chapter 316, F.S., to Chapter 336, F.S., which specifically relates to the county road system.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 925 – Traffic Regulations

By Bendross-Mindingall and others

Tied Bills: None

Iden./Sim Bills: SB 642

Committee(s) of Reference: Transportation; State Infrastructure Council

The bill expands the definition of mobility impaired pedestrians to include people using guide dogs or service animals. Pursuant to s. 316.1303, F.S., when a mobility impaired pedestrian is crossing a public street or highway, drivers arriving at an intersection must come to a stop and take precautions to avoid injuring the mobility impaired person. The guide dog or service animal must be designated as such with a visible means of identification. Violations are non-criminal traffic infractions punishable as a moving violation.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1029 –Funding for Dredging Projects

By Russell and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1576; includes part of HB 1681 and CS/CS/CS/SB 460

Committee(s) of Reference: Transportation; Transportation & Economic Development Appropriations; State Infrastructure Council

The bill creates a matching-grant program for dredging projects for counties that meet the following criteria:

- The counties must have a population of less than 300,000 based on the last official U.S. Census.
- The counties must be able to provide a 50-50 match for the funds.
- The counties must have a port authority as defined in s. 315.02(2), F.S., which is in compliance with financial management and reporting procedures pursuant to Part III of Chapter 218, F.S.
- The project must be in compliance with permitting requirements in Part IV of Chapter 373, F.S.

The grants will be used to fund projects for dredging, or deepening channels, turning basins, or harbors.

The Florida Seaport Transportation and Economic Development Council is directed to develop rules for procedures and criteria to evaluate project applications submitted for funding under the new program, and to select projects for funding. The Florida Department of Transportation, the Florida Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development also will review the project applications.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1031 – Reuse and Recycling of Campaign Signs

By Russell and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1542

Committee(s) of Reference: Transportation; State Infrastructure Council

The bill directs the Department of Environmental Protection (DEP) to implement by 2006 a pilot project encouraging the recycling of campaign signs. At a minimum, DEP must identify two large counties and two small counties to establish central depositories for used campaign signs and to make such signs available, at no cost, to schools and other entities that may have a use for them, and to companies that can recycle the materials from which the signs are made into new materials or products. Also, DEP is required to submit details for the program along with a request for funds from the Solid Waste Management Trust Fund to the Governor and the Legislature prior to the start of the 2006 regular Legislative Session.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 1118 – Motor Vehicle Crash Reports

By Transportation; Saunders; Lynn

Tied Bills: None

Iden./Sim Bills: HB 649 CS

Committee(s) of Reference: Transportation; Criminal Justice

This bill allows victim services programs to obtain motor vehicle crash reports immediately rather than having to wait 60 days. This will allow organizations such as MADD to assist injured victims and their grieving families in a more timely fashion.

The term “victim services programs” is defined as “any community-based organization whose primary purpose is to act as an advocate for the victims and survivors of traffic crashes and for their families. The victim services offered by these programs may include grief and crisis counseling, assistance with preparing victims compensation claims excluding third-party legal action, or connecting persons with other service providers, and providing emergency financial assistance.”

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

CS/CS/SB 1168 – Transportation Disadvantaged

By Criminal Justice; Transportation; Constantine; Alexander

Tied Bills: None

Iden./Sim Bills: HB 1475; includes part of HB 1587 and SB 1840

Committee(s) of Reference: Transportation; Criminal Justice

This bill makes a number of significant changes to the Commission for the Transportation Disadvantaged (TD). The composition of the commission is changed to reduce the number of commissioners from 27 to 7, all of whom to be appointed by the Governor. Five of the members must have significant business experience and represent a broad diversity of Floridians. Two of the members must be disabled persons who use the transportation disadvantaged system. Additionally, the bill:

- Establishes term limits of two, four-year terms for commissioners.
- Requires all appointees to be Florida residents and registered voters.
- Prohibits the commissioners, within the last five years of their appointment, from having a financial relationship with, or have represented as a lobbyist, the following entities: a transportation operator, a community transportation coordinator, a metropolitan planning organization, a designated official planning agency, a TD purchasing agency, a local coordinating board, a transportation broker, or a provider of TD services.
- Adds as ex-officio, non-voting members the secretary of the Department of Transportation, the secretary of the Department of Children and Family Services, the executive director of the Department of Veterans’ Affairs, the secretary of the Department of Elderly Affairs, the secretary of the Agency for Health Care Administration, the director the Agency for Persons with Disabilities, and an elected local government official appointed by the governor, or their respective designees.
- Specifies the Governor shall select the commission chairperson and the commission shall elect the vice chair.
- Requires all TD Commission candidates, before accepting appointment, to successfully pass a level 2 background check by the Florida Department of Law Enforcement and the FBI.
- Allows the TD Commission to establish at least four technical advisory committees to address issues on coordination of services, planning issues, business-related issues, and TD user issues.

The bill also specifies that no later than 30 days after the release of the Governor’s budget recommendations, the TD Commission must present to the Legislative Budget Commission (LBC) for review and approval the allocation formula for all funds it anticipates receiving from the General Appropriations Act. The LBC has 60 days to

approve, reject, or request modifications to the allocation formula. After passage of the General Appropriations Act, the TD Commission must present to the LBC the county distribution schedule, which is the approved allocation formula applied to the allocated funds. The TD Commission cannot change the distribution schedule without the LBC's permission, except where a disaster has been declared pursuant to chapter 252, F.S.

Finally, the bill directs the TD Commission to develop a methodology or formula that equitably distributes funds under its control using certain criteria, including actual trip costs and trip efficiencies.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 1460 – Motor Vehicle Registration

By Bennett and others

Tied Bills: None

Iden./Sim Bills: HB 681

Committee(s) of Reference: Transportation; Children and Families; Transportation and Economic Development Appropriations

The bill requires the Department of Highway Safety and Motor Vehicles, to include a check-off for a voluntary \$1.00 contribution to Southeastern Guide Dogs, Inc. on each motor vehicle registration and renewal form. Southeastern Guide Dogs, Inc. has completed the statutory requirements authorizing it to seek Legislative enactment of the voluntary contribution check-off.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

SB 1502 – Children's Hearing Help Fund

By Fasano; Wilson

Tied Bills: None

Iden./Sim Bills: HB 993 CS

Committee(s) of Reference: Transportation; Health Care; Transportation and Economic Development Appropriations

The bill requires the Department of Highway Safety and Motor Vehicles, to include a check-off for a voluntary \$1.00 contribution to the Children's Hearing Help Fund which is administered by the Sertoma Speech and Hearing Foundation of Florida, Inc. The organization has completed the statutory requirements authorizing it to seek Legislative enactment of the voluntary contribution check-off.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1681 –Transportation

By Transportation; Sansom and others

Tied Bills: None

Iden./Sim Bills: CS/CS/CS/SB 460; and includes parts of HB 603, HB 1029, CS/SB 718, SB 1040, and CS/SB 1576

Committee(s) of Reference: Transportation & Economic Development Appropriations; State Infrastructure Council

The bill contains a number of changes in the law related to transportation. Major provisions in the bill are:

- Gives Florida Department of Transportation (FDOT) discretion to fund planning and education projects performed by not-for-profit organizations that represent a majority of the state's public airports, such as the Florida Airports Council.
- Clarifies current law to conform to FDOT practice on work-order changes, supplemental agreements, and surety bonds.
- Creates the Northwest Florida Transportation Corridor Authority, giving local citizens the ability to plan their transportation futures and pay for their identified needs with new toll roads.
- Requires major metropolitan planning organization plans, and changes to those plans affecting the first three years of the FDOT Work Program, to be adopted by a recorded, roll-call vote.
- Exempts persons participating in a funeral procession for a law enforcement officer or firefighter killed in the line of duty from paying tolls.
- Prohibits banners from being placed along limited-access highways, and local governments from closing such highways for special events.
- Limits the liability of FDOT contractors and design engineers under certain circumstances for personal injury, property damage, or death if their work was in conformance with the terms of their contracts. Specifies that a reckless, drunken, or impaired driver is the sole proximate cause of his or her own death, injury, or property damage occurring in a transportation construction zone. Specifies that this limited immunity does not affect any claim FDOT may file against a contractor or engineer. Specifies that if FDOT, its contractors, engineers, or agents are either immune from liability pursuant to this section or found not to be at fault, then their names cannot be on the jury verdict form.
- Gives FDOT specific rulemaking authority to implement the existing statutory provisions related to public-private partnerships to develop state right-of-way.
- Establishes a percentage cap on the repayment amounts of State Infrastructure Bank loans the FDOT has loaned itself for Work Program projects. The cap will be .75 percent of the revenues on deposit in the State Transportation Trust Fund.
- Adds a military base commander to the Statewide Intermodal Transportation Advisory Council and requires coordination when planning transportation projects that impact military installations.
- Amends and updates provisions related to environmental mitigation accounts for FDOT projects to delete Department of Environmental Protection from the approval and decision-making process. The water management districts will continue as the lead agencies in determining the environmental mitigation for state transportation projects.
- Creates state/local matching grant program within Florida Seaport Transportation and Economic Development Council to finance dredging of ports in counties of less than 300,000 population.
- Directs FDOT to complete a statewide bike path/bike lane study by October 1, 2005.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 1697 – Highway Safety**By Transportation; Evers and Ambler****Tied Bills: None****Iden./Sim Bills: CS/SB 1344; includes part of HB 3; HB 1277; SB 216; SB 258;****CS/CS/CS/SB 454; SB 1820****Committee(s) of Reference: Transportation & Economic Development****Appropriations; State Infrastructure Council**

The bill contains numerous changes to highway safety and motor vehicle laws administered by the Department of Highway Safety and Motor Vehicles (DHSMV). Some of the major provisions of the bill include:

- The bill changes ch. 317, F.S., related to off highway vehicle (OHV) titling provisions to mirror current titling provisions for vehicles, vessels, and mobile homes, including the handling of liens, transfers of ownership, and enforcement of fraud offenses. The bill creates sections governing the issuance of titles in duplicate, delivery of title, and liens and encumbrances. All current statutory provisions dealing with encumbrances of co-owned vehicles, removal of liens from DHSMV records, cancellation of title certificates, notice and recording of liens, transfer of ownership by operation of law, and electronic or telephonic transactions for motor vehicles and mobile homes are made to apply to OHVs.
- The bill amends ss. 316.003 and 316.0775, F.S., to define a "traffic signal preemption system" as "any system or device with the capability of activating a control mechanism mounted on or near traffic signals which alters a traffic signal's timing cycle." The bill provides that a person may not, without lawful authority, possess or use any traffic signal preemption device as defined under s. 316.003, F.S.
- The bill amends s. 316.614, F.S., making it a primary offense to operate a motor vehicle in this state unless each passenger and the operator of the vehicle under the age of 18 years is restrained by a safety belt or by a child restraint device.
- Commercial motor vehicle licensing and license disqualification provisions are amended to comply with regulations of the Federal Motor Carrier Safety Administration;
- The bill amends s. 316.3045, F.S., to change the audible distance standard for the operation of radios or other mechanical soundmaking devices from 100 feet or more to 25 feet or more from the vehicle.
- The bill amends s. 316.006, F.S., to provide that a municipality may, by interlocal agreement with a county, agree to transfer traffic regulatory authority over areas within the municipality to the county.
- Current law requires a mandatory hearing when a person commits an infraction resulting in a crash causing serious bodily injury or death. The bill provides that if the infraction results in a crash causing death, and at the hearing the person is found to have committed the infraction, the designated official must impose a civil penalty of \$1,000 in addition to any other penalties, and suspend the person's driver's license for 6 months. In addition, if the infraction results in a crash causing serious bodily injury, and at the hearing the person is found to have committed the infraction, the designated official must impose a civil penalty of \$500 in addition to any other penalties, and suspend the person's driver's license for 3 months. The bill requires funds from increased penalties for traffic violations involving serious injury or death to be used for trauma centers.

- The bill authorizes local governments to enact more restrictive golf cart equipment and operation regulations for people who do not have a driver's license than state laws provide. This bill requires local governments to provide appropriate public notification, and it provides for enforcement jurisdiction and penalties.
- The bill amends ss. 322.051, and 322.08, F.S., to provide that DHSMV may accept as proof of identity for drivers' licenses and Florida identification cards, a United States passport, whether expired or not, and may accept a naturalization certificate issued by the United States Department of Homeland Security. In addition, the bill amends s. 322.08, F.S., to provide which documents may be acceptable as proof of nonimmigrant classification for the purposes of proving identity for a driver's license, and limits the period of validity of such driver's licenses to two years or the period such documents authorize a person's presence in the United States, whichever period is shorter.
- The bill amends ss. 322.051 and s. 322.142, F.S., to require that a full-face photograph or digital image of the cardholder must appear on all state issued identification cards, in addition to all drivers' licenses, and specifies that the requirement for a full-face image may not be waived, even on religious grounds.
- The bill amends s. 322.2615, F.S., related to suspensions of driver's licenses to invalidate an administrative license suspension for driving with an unlawful blood-alcohol level or breath-alcohol level if the suspended person is found not guilty at trial of the underlying DUI violation.
- The bill amends ss. 316.1936, 322.05, 322.07, 322.12, 322.161, 322.21, 322.251, 322.30, 322.58 and 322.61, F.S., eliminating the Class D driver's license, and eliminating the requirement that emergency drivers and farmers must obtain a Class D license.
- The bill amends s. 322.21, F.S., to require DHSMV to set the hazardous endorsement fee to reflect the cost of the required criminal history checks including the costs of the state and federal fingerprint checks and the cost of production and issuance of the license by DHSMV.
- The bill amends s. 316.302(1)(b), F.S., to update the reference to the October 2004 safety regulations contained in the Code of Federal Regulations. This would authorize the Florida Department of Transportation to enforce the most current commercial motor vehicle safety regulations.
- The bill amends s. 320.131, F.S., to authorize DHSMV to implement an electronic temporary license plate system that must be used by licensed motor vehicle dealers.
- The bill creates the Manufactured Housing Regulatory Study Commission. The commission will study and report on potential changes to the Department's regulatory authority over manufactured homes.
- The bill amends s. 322.22, F.S., to authorize DHSMV to cancel the identification card, driver's license, vehicle registration, or fuel-use tax decal if the person applying for an identification card, driver's license, vehicle registration, or fuel-use tax decal pays for any of them or any related fees, tax liabilities, penalties, or interest specified in chapter 207, by a dishonored check.
- The bill classifies any Florida Highway Patrol troop surgeon appointed by the Florida Highway Patrol, and any volunteer licensed health professional appointed by the Florida Highway Patrol to work under the medical direction of a Florida Highway Patrol troop surgeon volunteer as an "employee" for the purposes of s.

768.28, F.S. These medical professionals would not be personally liable while acting as a volunteer for the Florida Highway Patrol.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HOUSE OF REPRESENTATIVES

State Resources Council

Representative Marsha L. "Marty" Bowen, Chair

Representative Baxter G. Troutman, Vice Chair

2005 SUMMARY OF PASSED LEGISLATION



Agriculture Committee

Representatives Dwight Stansel & Ralph Poppell, Co-Chairs

Environmental Regulation Committee

Representative Mitch Needelman, Chair

Representative Will S. Kendrick, Vice Chair

Water & Natural Resources Committee

Representative Donna Clarke, Chair

Representative Charles S. "Charlie" Dean, Sr., Vice Chair

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Agriculture Committee

HB 255 – Rabies Vaccination

By Russell and others

Tied Bills: None

Iden./Sim Bills: CS/SB 898

Committee(s) of Reference: Agriculture; Health Care General; State Resources Council

HB 255 requires the initial vaccination of all dogs, cats, and ferrets, with the animal being revaccinated 12 months after the initial vaccination. Thereafter, the vaccinations shall conform to the vaccine manufacturer's directions.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2006.

SB 292 (Ch. 05-26, L.O.F.) – Citrus Canker Eradication

By Agriculture; Dockery

Tied Bills: None

Iden./Sim Bills: HB 635

Committee(s) of Reference: Agriculture

SB 292 repeals section 4 of chapter 2002-11, Laws of Florida, which calls for the review and repeal of the term "exposed to infection," effective July 1, 2005. The review was an interim project of the Senate Agriculture Committee.

The effective date of this bill is upon becoming law.

SB 516 (Ch. 05-6, L.O.F.) – Citrus Department/Districts

By Alexander and others

Tied Bills: None

Iden./Sim Bills: HB 641

Committee(s) of Reference: Agriculture; Governmental Oversight and Productivity

The Florida Department of Citrus is governed by the statutorily created Citrus Commission, a board of twelve commissioners appointed by the Governor and confirmed by the Florida Senate. To assure the geographic diversity of the Commission, Florida law provides for distinct districts within the citrus-producing regions of the state. The law also requires that citrus districts be realigned every five years based on citrus production volume.

The bill reorganizes the citrus districts of the state, assigning counties within the citrus production area to one of four separate citrus districts. Under current law, the citrus producing counties of the state are divided into three citrus districts.

The effective date of this bill is July 1, 2005.

CS/SB 552 – Game Promotion/Consumer Products

By Commerce and Consumer Services; Margolis; Crist

Tied Bills: None

Iden./Sim Bills: HB 335 CS

Committee(s) of Reference: Commerce and Consumer Services; Judiciary

This bill reduces the publishing requirements for advertising copy associated with game promotions in which the total announced value of the prizes offered is greater than \$5,000. The bill requires only “material terms” to appear in advertising copy so long as the advertisement provides a website address, a toll-free phone number, or a mailing address where the full rules and regulations may be viewed, heard, or obtained for the duration of the game promotion. The law still requires the rules and regulations to be posted in their entirety in every location where the game may be played.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

CS/CS/SB 572 – Consumer Protection/Emergencies

By Criminal Justice; Commerce and Consumer Services; Garcia and others

Tied Bills: None

Iden./Sim Bills: HB 347 CS

Committee(s) of Reference: Commerce and Consumer Services; Domestic Security; Criminal Justice

The bill provides that upon the Governor’s declaration of a state of emergency, any person who offers goods and services for sale to the public during the declared state of emergency must possess an occupational license. Failure to have the required license is a second-degree misdemeanor. The bill provides an exemption for religious, charitable, fraternal, civic, educational, or social organizations.

The bill also authorizes the Governor, during the emergency period, to exempt businesses selling essential commodities from curfew restrictions. In addition, the Governor may authorize solid waste disposal facilities to operate with extended hours to ensure the health, safety, and welfare of the general public.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

HB 853 – Motor Vehicle Lease Agreements

By Reagan

Tied Bills: None

Iden./Sim Bills: SB 1356

Committee(s) of Reference: Agriculture; State Resources Council

Current Florida law requires retail lessors to provide a lessee with a copy of each document signed by the lessee during the course of an automobile lease transaction. The bill requires the retail lessor to provide only a copy of the signed agreement.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

HB 1231 – Dealers in Agricultural Products

By Agriculture; Stansel and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1780

Committee(s) of Reference: Agriculture & Environment Appropriations; State Resources Council

The Florida Agricultural License and Bond Law is intended to facilitate the marketing of Florida agricultural products by helping to assure that transactions are recorded properly and that the buyer is financially responsible.

The bill contains a number of changes to enable the license and bond program to better serve Florida's agricultural industry and to make the program more self-sufficient. The bill:

- Adds, revises and clarifies several definitions to better fit today's agriculture and its practices;
- Removes tropical foliage from the list of exemptions and adds timber and timber by-products to the list;
- Changes the existing "cash only" exception to include United States cash currency or cash equivalents such as money orders, cashier's checks, wire transfers, or debit cards;
- Specifies information every dealer in agricultural products must provide to the Department of Agriculture and Consumer Services (department) prior to engaging in business;
- Requires a surety company to give the department a 30-day written notice of cancellation by certified mail before a bond can be cancelled;
- Increases maximum license fees;
- Specifies that no bond or certificate of deposit may be in an amount less than \$5,000 and that the bond or certificate of deposit becomes the property of the department;
- Increases the surety bond or certificate of deposit furnished to the department in an amount equal to twice the dollar amount of agricultural products handled for Florida producers, their agents, or representatives, during the month of maximum transaction during the preceding 12 month period;
- Allows the department to issue a conditional license to an applicant who is unable to provide a single bond or certificate of deposit in the full amount required;
- Clarifies the conditions under which a complaint may be filed against a dealer;
- Increases the minimum amount for filing a complaint from \$250 to \$500 and requires the complainant to pay a \$50 reimbursable filing fee to the department;
- Allows dealer to dealer complaints, provided all producer claims are paid first;
- Increases the maximum fine for violations from \$1,000 to \$2,500;
- Increases the continuing violation fine from \$50 to \$100 per day; and
- Increases the late payment penalty from a maximum of \$35 to a maximum of \$100.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

CS/SB 1438 – Repossession Services

By Criminal Justice; Wise

Tied Bills: None

Iden./Sim Bills: HB 807 CS

Committee(s) of Reference: Commerce and Consumer Services; Banking and Insurance; Criminal Justice

This bill expands the definition of the term “repossession” to include aircraft, personal watercraft, all-terrain vehicles, farm equipment, and industrial equipment. This change serves to ensure that all repossessions are subject to the regulations and guidelines set forth in Chapter 493, F.S.

Additionally, the bill requires all recovery activity to be performed by individuals licensed with the Department of Agriculture and Consumer Services.

Subject to the Governor’s veto powers, the effective date of this bill is October 1, 2005.

CS/CS/CS/SB 1520 – Consumer Protection

By General Government Appropriations; Judiciary; Commerce and Consumer Services; Lynn

Tied Bills: None

Iden./Sim Bills: HB 833 CS; includes HB 335 CS and CS/SB 552

Committee(s) of Reference: Commerce and Consumer Services; Judiciary; General Government Appropriations

The bill revises a number of programs and activities under the jurisdiction of the Department of Agriculture and Consumer Services (department). In particular, the bill:

- Requires an applicant for a Class “D” security license to complete terrorism training or other specialized training prescribed by the department;
- Preempts the regulation of refunds by retail sales establishments to the department;
- Clarifies provisions prohibiting local governments from imposing a monetary penalty on owners of shopping carts removed from their premises;
- Incorporates within the state’s anti-telephone solicitation law a prohibition against transmission of unsolicited advertising materials via facsimile;
- Clarifies the statutory definition of a business opportunity;
- Repeals the provisions of the Amusement Ride and Attraction Insurance Act under ch. 546, F.S., while retaining comparable insurance provisions in s. 616.242, F.S.;
- Exempts certain governmental entities from amusement ride insurance requirements;
- Defines “travel clubs” for the purposes of the Florida Sellers of Travel Act;
- Authorizes operators of game promotions to include only the material terms of a game promotion in advertisements – if the advertisement includes a website, toll-free telephone number, or mailing address where the full rules and regulations may be heard, viewed, or obtained;
- Provides that ch. 849, F.S., does not apply to amusement games or machines which operate by the insertion of a coin or other currency;

- Directs the State Technology Office to provide, through the state's official website, linkages and information relating to consumer protection and human and social services;
- Designates the Department of Agriculture and Consumer Services' Division of Consumer Services as the state clearinghouse for matters relating to consumer protection, information, and services; and
- Deletes an outdated reporting requirement from the Division of Standards.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

HB 1717 – Agriculture

By Agriculture; Stansel

Tied Bills: None

Iden./Sim Bills: CS/CS/CS/SB 858; includes part of HB 1859 CS; SB 472; includes part of CS/SB 2546

Committee(s) of Reference: Agriculture; Agriculture & Environment

Appropriations; State Resources Council

HB 1717 addresses a variety of issues relating to the powers and duties of the Department of Agriculture and Consumer Services (DACS). The major components of the bill include:

- Providing that property leased or subleased by DACS and used for citrus inspections shall have salvage value for ad valorem tax purposes;
- Clarifying the jurisdictional authority of bison raised as agriculture;
- Establishing a statutorily-recognized Environmental Stewardship Program;
- Requiring special permits for persons wishing to engage in biomass plantings;
- Requiring DACS to investigate complaints relating to the Florida Agricultural Worker Safety Act;
- Amending the membership of the Florida Agriculture Center and Horse Park Authority;
- Standardizing procedures statewide regarding the inspection of consumer products;
- Clarifying civil liability in regards to prescribed burns;
- Amending the definition of "material safety data sheet" to allow dissemination of information through electronic means; and
- Allowing DACS to use its' own on-line procurement system, provided certain conditions are met.

In addition, the bill contains several technical changes that either remove or change outdated references that are found in the current statutes.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 2006 – Warranty Associations

By Banking and Insurance; Garcia and others

Tied Bills: None

Iden./Sim Bills: HB 97 CS; HB 825 CS; includes parts of HB 1545 CS; includes parts of CS/CS/SB 2498

Committee(s) of Reference: Banking and Insurance; Commerce and Consumer

Services

Florida law defines a Motor Vehicle Service Agreement (MVSA) as any contract or agreement covering the holder against losses incurred from the mechanical failure of a motor vehicle part or component. Additionally, motor vehicle service agreements include coverage for additive products, as well as payments for vehicle protection products and expenses.

The bill:

- Changes the definition of “motor vehicle service agreements” to include paintless dent removal services by paintless dent removal providers;
- Amends the qualifications a service agreement company must meet to issue service agreements in the state;
- Allows service companies writing MVSAs that maintain net assets of at least \$10 million to simultaneously use the 50-percent reserve or the contractual liability coverage when assigning a “specific block of new service agreements,” and
- Defines “specific block of new service agreements” as the service agreements sold by a single designated licensed salesperson. These service companies will be able to choose how a block of new service agreement obligations will be covered, either by the 50-percent reserve or a contractual liability insurance policy.

The bill also:

- Requires the service company to be able to distinguish how each individual MVSA is covered;
- Requires service companies to include specified information in the detailed service agreement record;
- Requires that a service agreement company maintain in its register information regarding whether the agreement is covered by contractual liability insurance or the unearned premium reserve account; and
- Redefines the term “service warranty” to include coverage or indemnification for repair, replacement, or maintenance of a consumer product, for failure due to structural or operational defects, for normal wear and tear, and for damage caused by power surges or accidental damage from handling.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

CS/SB 2278 – Private Security Services/Firearms

By Criminal Justice; Baker

Tied Bills: None

Iden./Sim Bills: HB 717 CS

Committee(s) of Reference: Commerce and Consumer Services; Criminal Justice

This legislation authorizes private investigator interns, security officers, and managers of private investigative/security agencies, holding a statewide firearm permit, to carry certain semiautomatic weapons.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2005.

Environmental Regulation Committee

HB 77 – Renewable Energy

By Littlefield and others

Tied Bills: None

Iden./Sim Bills: HB 933 CS; CS/SB 494

Committee(s) of Reference: Environmental Regulation; Utilities & Telecommunications; Agriculture & Environment Appropriations; State Resources Council

The bill requires public utilities and specified municipal electric utilities and rural electric cooperatives to offer a purchase contract to producers of renewable energy basing payment on the utility's avoided cost. This provision uses the current avoided cost payment price to minimize the cost impact on utilities' customers while encouraging renewable energy by establishing expanded definitions of "biomass" and "renewable energy" that allow additional generators to sell to the utilities, requiring a minimum 10 year contract term, and including the municipal and cooperative utilities. The bill requires the Public Service Commission to establish rules and requirements relating to the purchase of capacity and energy by public utilities from renewable energy producers.

The bill amends the criteria in section 403.7061, F.S., conditioning the approval by the Department of Environmental Protection for the construction of a new waste-to-energy facility (WTE), or the expansion of a WTE, to require that the county where the facility is located maintain a solid waste management/recycling program designed to achieve a waste reduction goal of 30 percent. This amendment mirrors a similar provision in an earlier section of law, providing consistency, and is designed to account for fluctuations in recyclable commodities.

The bill applies the same standard to WTEs in counties with a population less than 100,000. Current law requires such counties to provide an opportunity to recycle.

The bill encourages local government applicants for a permit to construct or expand a Class 1 Landfill to consider construction of a waste-to-energy facility as an alternative to additional landfill space.

The bill does not appear to have a significant fiscal impact on state or local governments.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2005.

CS/SB 786 – Fees Imposed on Tire and Battery Sales

By General Government Appropriations; Clary

Tied Bills: None

Iden./Sim Bills: HB 109 CS

Committee(s) of Reference: Environmental Preservation; Governmental Oversight and Productivity; General Government Appropriations; State Resources Council

The bill clarifies that governmental entities are required to pay the \$1 per tire fee

imposed on the retail sale of new motor vehicle tires and the \$1.50 fee imposed on the retail sale of any new or remanufactured lead-acid battery.

This bill amends sections 403.718 and 403.7185 of the Florida Statutes.

The bill requires governmental entities to pay the \$1 per tire fee on the retail sale of each new motor vehicle tire sold in Florida. Also, governmental entities are required to pay the \$1.50 fee on the retail sale of new or remanufactured batteries sold in Florida. Data is not available to determine the number of governmental entities currently paying the fees and those that do not pay the fees. The bill could have a positive fiscal impact to retail sellers of motor vehicle tires and lead-acid batteries. These entities currently are required to pay both tire and battery fees by the Department of Revenue for any purchases made by local governments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 759 – Environmental Permitting Programs

By Williams and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1730

Committee(s) of Reference: Environmental Regulation; Agriculture & Environment Appropriations; State Resources Council

The bill requires the Department of Environmental Protection (DEP) to develop, on or before October 1, 2005, a mechanism or plan to consolidate, to the maximum extent practicable, federal and state permitting associated with wetlands and navigable waters within the state. The mechanism or plan is to be compiled into a report and filed with the Speaker of the Florida House of Representatives and the Florida President of the Senate.

The bill provides for all “dredge and fill” activities impacting 10 acres or less of wetlands or waters, including navigable waters, to be processed by the state as part of the environmental resource permitting program implemented by DEP and the water management districts. As part of the proposed mechanism or plan to consolidate federal and state permitting associated with wetlands and navigable waters within the state, DEP is to analyze and propose the development of an expanded state programmatic general permit program and may propose the creation of a series of regional general permits issued by the United States Army Corps of Engineers to be administered by DEP or the water management districts or their designees.

In 1994, when the Legislature created a uniform methodology for delineating wetlands, projects that had already received a declaratory statement of jurisdiction delineating wetlands under previous law were allowed to either use the new methodology or the old methodology for which they had received a declaratory statement of jurisdiction. To use the grandfathering provision, the request to use the existing declaratory statement of jurisdiction had to be submitted to the Department of Environmental Protection or the relevant water management district before June 1, 1994. The bill amends s. 373.414(13), F.S., to allow such petitions to be made on or before June 1, 1994.

The bill establishes a financial responsibility component for permitted phosphate mining activities that affect wetlands and other surface waters, requiring mining companies to

provide certain security for wetlands mitigation based upon the expected life of the mining operation. The bill also extends the date for DEP to complete a cumulative impact study on the Peace River Basin from July 1, 2005, to January 31, 2007.

The bill extends the date by which implementation of the Environmental Resource Permit program is to be assumed by the Northwest Florida Water Management District from July 1, 2005, to July 1, 2010. The bill delays expenditures associated with implementation of the program.

Except as noted above, this bill does not appear to have any significant fiscal impact on state or local government.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 805 – An Exemption from the Tax on Sales, Use, and Other Transactions for Solar Energy Systems

By Williams and others

Tied Bills: None

Iden./Sim Bills: SB 1620

Committee(s) of Reference: Environmental Regulation; Finance & Taxation; State Resources Council

The Florida Legislature exempted solar energy systems or any component thereof from state sales tax effective July 1, 1997. The exemption is scheduled to be repealed on July 1, 2005. This bill amends Florida Statutes to continue to exempt solar energy systems or any component thereof from sales tax until further action by the Florida Legislature.

The Revenue Estimating Conference estimated that this bill will have a negative fiscal impact of \$1.0 million to state government and \$0.2 million to local governments in FY 2005-06, and of \$1.1 million to state government and \$0.2 million to local governments in FY 2006-07.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 937 – Contamination Notification

By Galvano and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 330

Committee(s) of Reference: Environmental Regulation; Water & Natural Resources; Agriculture; State Resources Council

The bill provides for contamination notification requirements when contamination has migrated beyond the property boundary of the originally contaminated site, and provides specific criteria associated with each notice provided by the Department of Environmental Protection (DEP) and the site rehabilitator.

The bill may have a fiscal impact on state and local government; however, it is indeterminate due to the uniqueness of each potential contaminated site and the unknown costs associated with each site.

Subject to the Governor's veto powers, the effective date of this bill is September 1, 2005.

HB 989 – Public Marinas and Boat Ramps

By Mayfield and others

Tied Bills: None

Iden./Sim Bills: includes parts of HB 1367 CS; CS/SB 1866; and SB 2288

Committee(s) of Reference: Environmental Regulation; Local Government

Council; State Resources Council

Public Marinas and Boat Ramps: This portion of the bill directs the Department of Environmental Protection (DEP) to establish a general permit or permits authorizing local governments to construct, operate, and maintain public marina facilities, public mooring fields, public boat ramps, associated courtesy docks, and parking facilities. The marina and mooring field may not exceed an area of 50,000 square feet over wetlands or other surface waters. The facilities are directed to be maintained for the exclusive use of the general public in perpetuity. The bill also directs the DEP to begin the rulemaking process within 60 days of the effective date of the Act.

Fish and Wildlife Conservation Commission: This portion of the bill amends the Boating Advisory Council, increasing membership from 17 to 18, and terms from 2 to 3 years. The bill provides that members may not serve more than 2 full consecutive terms, adds boat access and working waterfronts to the council's purview, and allows for the removal of a council member for cause. The bill changes the composition of the Council by reducing the number of representatives of water-related environmental groups from two to one, adding a representative for canoe or kayak enthusiasts, and adding one member for either the commercial fishing industry or the commercial shell fishing industry.

The bill creates an individual/vessel saltwater products license for commercial fishers. This change will allow a commercial fisher who may have several vessels, but who only uses one vessel at a time, the opportunity to purchase only one license.

The bill reduces the stone crab certificate transfer fee from \$2 to \$1 and repeals s. 372.674, F.S., related to the Fish and Wildlife Conservation Commission (FWCC) environmental education grant program; amends subsection (2) of s. 372.672, F.S., related to the Florida Panther Research and Management Trust Fund; and deletes the use of funds from the trust fund for FWCC environmental education grant program.

The fiscal impact of the reduction in the stone crab certificate transfer fee is indeterminate but is expected to result in an insignificant loss of revenue to the Marine Resources Conservation Trust Fund. The new individual/vessel saltwater products license is estimated by the FWCC to reduce revenues to the Marine Resources Conservation Trust Fund by \$67,875 annually.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1141 – Greenways and Trails

By Davis, M. and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 774

**Committee(s) of Reference: Environmental Regulation; Transportation;
Agriculture & Environment Appropriations; State Resources Council**

In 1979, the Legislature enacted the Florida Greenways and Trails Act setting forth the State's goal of developing a statewide system of greenways and trails for recreational and conservation purposes.

This bill, in part:

- Amends statutory language related to the Recreational Trail System and encourages state, regional, and local agencies to give enhanced consideration for acquisitions to any parcel to assist in establishing the Florida National Scenic Trail.
- Amends term limits for members of the Florida Greenways and Trails Council and changes the duties of the Council to more accurately reflect their activities.
- Establishes the Conserve by Bicycle Program within the Department of Transportation and provides for a Conserve by Bicycling Study to be performed to show the value of bicycle use facilities in saving transportation costs.
- Creates the Florida Circumnavigation Saltwater Paddling Trail as part of the Florida Greenways and Trails System and identifies segments associated with the trail.
- Creates statutory language to encourage the operation of the nonprofit corporation, Florida Mining-Recreation, Inc., for the purpose of working with industry, government, and private land owners to create plans and assist in the development of recreational opportunities on mined lands in the state.
- Amends section 378.036(6), F.S., removing provisions relating to recreational opportunities on mined lands.
- Directs water management districts and the Florida Communities Trust to include the Florida National Scenic Trail in its program components.

The bill does not appear to have a significant fiscal impact on state or local governments.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 1289 – Signing and Sealing by Professional Geologists

By Jordan

Tied Bills: None

Iden./Sim Bills: CS/SB 1988

Committee(s) of Reference: Environmental Regulation; State Resources Council

The bill provides that if a permit or license or the performance of an activity regulated under the Water Resources Act requires the services of a professional geologist, the Department of Environmental Protection or the governing board of a water management district may require that a licensed geologist sign and seal any documents and reports

submitted in connection with the permit application or regulated activity. In doing so, the bill explicitly authorizes geologists to perform services within their professional purview and sign and seal documents governed by the Water Resources Act.

The bill does not appear to have any significant fiscal impact on state or local government.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

CS/SB 1318 – Underground Petroleum Storage Tanks

By General Government Appropriations; Environmental Preservation Committee

Tied Bills: None

Iden./Sim Bills: HB 1735 CS

**Committee(s) of Reference: Environmental Preservation; Banking and Insurance;
General Government Appropriations; Ways and Means**

This bill relates to the underground petroleum storage tank cleanup program implemented by the Department of Environmental Protection (DEP). Specifically, the bill amends statutory language to:

- Direct DEP to encumber funds appropriated for petroleum remediation activities uniformly throughout the fiscal year subject to exception criteria.
- Create a secondary level of prioritization based on DEP final order date for program eligibility to cleanup sites with the same priority score.
- Authorize limited source removal activities that are out of priority order for certain sites affected by the Department of Transportation road construction projects or for sites undergoing petroleum storage system secondary containment upgrades with limitations. The bill repeals the limited source funding provisions, effective June 30, 2008.
- Provide that the Legislature, by law, must specifically approve a cleanup project to be financed before the DEP can enter into a service contract with the Inland Protection Financing Corporation (IPFC) to pay for indebtedness for such project.
- Provide that the Preapproved Advanced Cleanup Program is also available for discharges eligible for restoration funding under the Petroleum Cleanup Participation Program for the state's cost share of site rehabilitation.
- Extend the termination date of the IPFC from 2011 to 2025, and authorize IPFC to borrow money and issue bonds within limitations to pay for the eligible large scale state-funded cleanup projects such as ports, airports, and terminal facilities.
- Provide for innocent victim petroleum storage system restorations.

The bill does not appear to have a significant fiscal impact on state or local governments.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 1395 – Beach Safety

By Murzin and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 2426

Committee(s) of Reference: Environmental Regulation; Agriculture & Environment Appropriations; State Resources Council

The bill amends statutory language related to the uniform warning and safety flag program administered by the Department of Environmental Protection (DEP) at public beaches along the coast of the state. The bill:

- Expands participation in the uniform warning and safety flag program to include non-life-guarded beaches.
- Deletes the requirement that flags incorporate a numerical designation.
- Provides that local governments only display the beach warning and safety flags developed by DEP pursuant to section 380.276, F.S.
- Allows for grant funds from various sources to be utilized in funding the program.
- Revises the governmental entities participating in the program.
- Revises provisions relating to governmental immunity from liability.
- Authorizes DEP to develop and distribute educational information and materials related to beach safety.

The bill does not appear to have a significant fiscal impact on state or local government.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1855 – Natural Resources

By Environmental Regulation; Needelman; Sands

Tied Bills: None

Iden./Sim Bills: CS/SB 2510; includes parts of HB 1839; CS/CS/SB 1670; and HB 1623 CS

Committee(s) of Reference: State Resources Council

The bill allows the Department of Environmental Protection (DEP) to use, in addition to current statutory authority, methods of calculating natural resources damages in accordance with federal rules implementing the Oil Pollution Act of 1990.

The bill creates part IV, of chapter 161, F.S., to be entitled the Florida Oceans and Coastal Resources Conservation and Management Act. The bill creates the Florida Oceans and Coastal Council within the Department of Environmental Protection to review and compile existing and ongoing ocean and coastal research and monitor activities relevant to the state of Florida, complete a research plan to be used by the Legislature in making funding decisions, and prepare a resource assessment to serve as a baseline of information for the research plan. The bill provides for a pilot project to demonstrate the feasibility of collaborative research efforts to evaluate the potential for inland, recirculating, and aquaculture technology to produce marine species and to implement new marine stock enhancement initiatives.

The bill addresses several issues relating to the state's total maximum daily load (TMDL) program. The bill: (1) clarifies the allocation of pollutant loadings associated with a TMDL among the point and nonpoint sources of pollution; (2) institutionalizes the development of "basin management action plans" as a guide for the restoration of waterbodies; (3) clarifies the relationship between TMDLs and regulatory actions of the Department of

Environmental Protection; (4) creates a structure for promoting the implementation of basin management action plans by unregulated sources of pollution and allows for alternatives to this structure; (5) provides for improved verification of best management practices (BMPs) and similar pollution reduction measures; and (6) promotes an expert evaluation of pollutant trading opportunities as another tool for implementing TMDLs. The bill expands the list of federally permitted or licensed coastal zone activities for which the state may perform consistency review in relation to the Coastal Zone Management Act; authorizes DEP to adopt rules necessary for consistency reviews; and requires an environmental impact statement or environmental assessment prepared under the National Environmental Policy Act to be provided to DEP.

The bill also provides that an increase in the size of a heavy mineral mine as defined s. 378.403(7), F.S., will only constitute a substantial deviation subject to an additional development-of-regional-impact review if the average annual acreage mined is more than 500 acres and consumes more than 3 million gallons of water per day.

The bill does not appear to have a significant fiscal impact.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

Water & Natural Resources Committee

HB 155 – Lake Okeechobee Protection Program

By Machek and others

Tied Bills: None

Iden./Sim Bills: CS/SB 502

Committee(s) of Reference: Water & Natural Resources; Agriculture & Environment Appropriations; State Resources Council

Currently, the Lake Okeechobee Protection Act requires implementation of a watershed-based, phased, comprehensive, and innovative protection program to restore Lake Okeechobee and its tributaries. As part of that program, the Act requires the South Florida Water Management District, the Florida Department of Environmental Protection, and the Florida Department of Agriculture and Consumer Services to develop and implement the Lake Okeechobee Protection Plan. The bill provides criteria for establishing annual funding priorities. The bill revises the definition of the Lake Okeechobee watershed to reference the Lake Okeechobee Protection Plan. The bill also deletes obsolete references related to dates. According to the South Florida Water Management District, the total estimated cost of the Lake Okeechobee Protection Plan is \$341.5 million. However, the bill provides for no funding.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 331 – Inland Lakes and Canals

By Bowen and others

Tied Bills: None

Iden./Sim Bills: SB 772

Committee(s) of Reference: Water & Natural Resources; Agriculture & Environment Appropriations; State Resources Council

Currently, no person, municipality, or other governmental entity is allowed to place a safety or navigation waterway marker in, on, or over the waters or shores of the state without a permit issued by the Division of Law Enforcement of the Florida Fish and Wildlife Conservation Commission. The bill exempts counties, municipalities, and other governmental entities from the statutory permitting requirements applicable to placement of informational waterway markers on inland lakes and their associated canals. The bill should provide an indeterminate cost savings to the state, counties, municipalities, and other governmental entities responsible for placement of waterway markers.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/CS/SB 332 – Water Protection and Sustainability Trust Fund

By Ways and Means; Environmental Preservation; Dockery and others

Tied Bills: CS/CS/CS/SB 444

Iden./Sim Bills: None

Committee(s) of Reference: Environmental Preservation; Governmental Oversight and Productivity; Rules and Calendar; Ways and Means

This bill creates section 403.891, F.S., which:

- Creates the Water Protection and Sustainability Trust Fund within the Department of Environmental Protection. The trust fund will receive moneys from statutory distributions of documentary stamp taxes, pursuant to s. 210.15, F.S., and from federal grants and other sources to fund the Water Protection and Sustainability Program.
- Provides that, notwithstanding s. 216.301, F.S., and pursuant to s. 216.351, F.S., any balance in the trust fund at the end of any fiscal year will remain in the trust fund at the end of the year and will be available for carrying out the purposes of the trust fund. This will not affect revenues received directly by the trust fund. However, if moneys are appropriated to the trust fund from other trust funds or from the General Revenue Fund, this provision will prevent unspent sums from reverting, at the end of the year, to the fund from which they were appropriated.
- Provides that, pursuant to section 19 (f)(2), Article III, State Constitution, the trust fund is terminated on July 1, 2009, 4 years after the date of its creation, unless terminated sooner by law. Prior to the scheduled termination of the trust fund, the Legislature must review it as provided in s. 215.3206 (1) and (2), F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 395 – Recreational Licenses and Permits

By Kendrick and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1610

Committee(s) of Reference: Water & Natural Resources; Military & Veteran Affairs; Agriculture & Environment Appropriations; State Resources Council

Currently, any Florida resident who is a member of the United States Armed Forces and not stationed in this state, when home on leave for 30 days or less, upon submission of orders, is exempt from all licenses and permits related to recreational hunting, and freshwater and saltwater fishing.

The bill creates a new license under s. 372.57 (4), F.S., named the annual military gold sportsman's license. Florida residents who are active or retired members of the U.S. Armed Forces or Reserve, National Guard, or U.S. Coast Guard or Coast Guard Reserve would be able to purchase the annual military gold sportsman's license for \$18.50. Those eligible for the military gold sportsman's license would simply need to present a current military identification card at the time of purchase. The new license provides the same authorizations as the current annual gold sportsman's license which is available to the general public for \$82.

Those eligible residents who purchase the annual military gold sportsmens license would be authorized to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the Fish and Wildlife Conservation Commission (FWC), in effect at the time of taking. Other authorized activities include those authorized by a management area permit, a muzzle-loading gun permit, a turkey permit, a Florida waterfowl permit, an archery permit, a snook permit, and a crawfish permit.

The bill adds the new license to statutory sections determining proceeds that are deposited into wildlife and conservation funds. Pro rata portions of this new license fee shall go toward waterfowl and wild turkey research and management, and management area protection. The bill also adds this new license to existing exemptions for certain commercial hunting preserves.

The FWC reports that the fiscal impact of the bill is uncertain.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/CS/CS/SB 444 – Development of Water Supplies

By Ways and Means; Governmental Oversight and Productivity; Environmental Preservations; Dockery and others

Tied Bills: CS/CS/SB 332

Iden./Sim Bills: includes HB 1881 CS and HB 1839

Committee(s) of Reference: Environmental Preservation; Governmental Oversight and Productivity; Rules and Calendar; General Government Appropriations; Ways and Means

The bill amends several sections of Chapter 373, F.S., relating to water supply. These amendments include revisions to current law to reflect the increasing need for the development of alternative water supplies, and the need for increased levels of cooperation between local governments to develop such alternative water supplies. The revisions include provisions for priority funding assistance from water management districts for the development of alternative water supplies and provisions to encourage the formation of regional water supply authorities and “multi-jurisdictional water supply entities.” The bill provides that applicants for funding assistance for alternative water supply projects provide a minimum of 60 percent of the costs of the project. The bill also requires each water management district to set a goal of matching 100 percent of the state funding provided to the district for alternative water supply development.

Section 373.223(5), F.S., is created to provide for a presumption that alternative water supply development projects identified by the districts are in the public interest. Section 373.236(4), F.S., is created to require the issuance of consumptive use permits for a term of at least 20 years for alternative water supply projects.

The bill amends provisions of Ch. 163, F.S., relating to comprehensive planning requirements, to require that comprehensive plans incorporate planned alternative water supply projects in the comprehensive plans and to require that adequate water supplies will be available to serve new development at the time a certificate of occupancy is issued.

The bill addresses several issues relating to the state's program for total maximum daily loads (TMDLs). Specifically the bill:

- clarifies the allocation of pollutant loadings associated with a TMDL;
- institutionalizes the development of basin management action plans as a guide for surface water restoration;
- clarifies the relationship between TMDLs and regulatory actions;

- provides for improved verification of best management practices and similar pollution reduction measures; and
- promotes an expert evaluation of pollutant trading opportunities as another tool for implementing TMDLs.

The bill creates a funding program entitled the “Water Protection and Sustainability Program” to provide funding for the development of alternative water supplies, the implementation of the total maximum daily load program, the Surface Water Improvement and Management Program (SWIM), and the Disadvantaged Small Community Wastewater Grant Program.

For fiscal year 2005–2006, two funding sources have been established. CS/CS/CS/SB 360, relating to growth management, contains two provisions that would direct funds to the Water Protection and Sustainability Trust Fund (created by CS/CS/SB 332) for the purposes of funding programs contained in this bill. \$100 million is allocated annually from documentary stamp tax revenues and an additional \$100 million is allocated from general revenue.

The bill provides for an allocation of funds to the Department of Environmental Protection, the Department of Agriculture and Consumer Services and the water management districts.

Beginning in fiscal year 2006-2007, funds will be allocated as follows:

- 60 percent for alternative water supplies
- 20 percent for TMDL's
- 10 percent for SWIM
- 10 percent for the Disadvantaged Small Community Wastewater Grant Program.

The actual funding level will depend on the amount of revenue deposited into the trust fund. At a minimum, SB 360 provides for \$100 million in recurring dollars.

The bill provides that beginning June 30, 2007, and every two years, thereafter, all unspent funds must be returned to the trust fund and redistributed. Prior to the end of the 2008 Regular Session, the Legislature must review the distribution of funds provided in the bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 655 – Florida Inland Navigation District

By Machek and others

Tied Bills: None

Iden./Sim Bills: SB 1352

Committee(s) of Reference: Water & Natural Resources; Local Government Council; Agriculture & Environment Appropriations; State Resources Council

This bill expands the geographical jurisdiction and navigation responsibility of the Florida Inland Navigation District (FIND) to include an additional 52 miles of the Okeechobee Waterway through Lake Okeechobee to the western boundary of Palm Beach County. As the local sponsor, FIND will provide land to the U.S. Army Corps of Engineers for the storage and management of dredged materials from the Okeechobee Waterway.

The bill recognizes that water levels are subject to natural weather cycles and lake management strategies that may adversely affect navigation on the Waterway, and exempts FIND from taking action to restore navigation on the Waterway when the water level of Lake Okeechobee and the Waterway within the lake is less than 12.56 feet.

This bill should not require state or local governments to spend funds. FIND, a special district, expects to fund expenses associated with implementing this bill out of current revenues and does not anticipate raising the millage rate of .0385.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 727 – Water Management District Planning and Reporting

By Davis, M. and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 2462

Committee(s) of Reference: Water & Natural Resources; Agriculture & Environment Appropriations; State Resources Council

Currently, various statutes require water management districts to complete numerous annual reports and planning documents regarding the status of programs and water resources within their respective jurisdictions. The bill requires each water management district to submit in place of many of the separate reports, a consolidated annual report. The bill requires that the consolidated annual report of the South Florida Water Management District include certain additional provisions. This bill also allows all districts to submit a strategic plan in lieu of a district water management plan.

In 2004, the SFWMD estimated a potential savings of \$350,000 to implement a pilot project to consolidate its annual reporting. SFWMD also estimates a potential savings of nearly \$1,000,000, if consolidated reporting is extended to all water management districts.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2005.

HB 1389 – Water Control Districts

By Domino

Tied Bills: None

Iden./Sim Bills: SB 2460

Committee(s) of Reference: Water & Natural Resources; Local Government Council; State Resources Council

The bill amends several provisions of Chapter 298, F.S., relating to water control districts. Specifically, the bill:

- Grants the board of directors (board) of a water control district (district) the authority to purchase or lease real or personal properties for use in works projects.
- Requires the water management district to recommend proposed changes within 60 days after receipt of the water control plan or amendment, rather than 90 days.

- Provides that amendments to the engineer's report that do not result in a levy increase are not subject to notice and adoption procedures applicable to water control plans.
- Revises notice requirements for water control plans or amendments.
- Provides that a local map or legal description is a geographical depiction sufficient for purposes of notice of filing the engineer's report.
- Requires objections and proposed revisions to the engineer's report, water control plan, or plan amendment to be heard and determined by the district board.
- Provides that assessments are a lien on the property until paid and date from January 1 of each year assessable property is liable for assessments,.
- Requires any amendments resulting in a change in property value to be reflected in the engineer's report.
- Provides that a district that has an adopted water control plan and is located entirely within an unincorporated portion of a county shall be the exclusive provider within the district for the services and facilities authorized in ch. 298, F.S., and included in an adopted water control plan.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/CS/SB 2502 – Water Management Districts

By Governmental Oversight and Productivity; Environmental Preservation; Dockery and others

Tied Bills: None

Iden./Sim Bills: HB 1445 CS

Committee(s) of Reference: Environmental Preservation; Governmental Oversight and Productivity; Judiciary; General Government Appropriations

The bill authorizes each water management district to implement a small business program designed to assist small businesses, including businesses owned by women and minorities, in their participation in district procurement and contract activities. The bill states that the purpose of the program is to enhance economic development and support small businesses, including women and minority-owned businesses, to successfully expand in the marketplace.

The bill allows governing board members of a water management district to serve beyond their four-year term until a successor is appointed, but no longer than 180 days.

The bill amends s. 373.414(13) to provide that activities proposed within the boundaries of a valid declaratory statement issued pursuant to a petition submitted to the Department of Environmental Protection "on or before" June 1, 1994, are exempt from the wetlands determination methodology in s. 373.4211, F.S.

Finally, the bill provides that a water management district which is updating a regional water supply plan scheduled for update before December 31, 2005, shall have an extension of the deadline for one year.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

Bill	Passed As/In	Council
HB 3	HB 1697	State Infrastructure Council
HB 5	SB 200	State Administration Council
SJR 6	HJR 1723	Justice Council
HB 15	SB 202	Commerce Council
HB 17	HB 17	Health & Families Council
HB 19	HB 19	Commerce Council
HB 25	SB 366	Health & Families Council
HB 33	SB 266	Health & Families Council
HB 41	HB 41	Justice Council
HB 49	SB 2070	Fiscal Council
SB 52	SB 52	Commerce Council
HB 55	SB 470	Health & Families Council
SB 60	SB 60	State Administration Council
HB 63	HB 63	State Infrastructure Council
HB 69	HB 69	Commerce Council
HB 71	HB 71	Justice Council
SB 72	HB 691	State Administration Council
SB 74	HB 747	State Administration Council
HB 75	HB 75	Justice Council
HB 77	HB 77	State Resources Council
HB 83	SB 550	Fiscal Council
HB 87	SB 166, SB 904	Justice Council
HB 97	SB 2006	State Resources Council
HB 99	SB 574	State Administration Council
HB 101	HB 101	Fiscal Council
HB 105	HB 105	Commerce Council
SB 106	SB 106	State Administration Council
SB 108	HB 69	Commerce Council
HB 109	SB 786	State Resources Council
SB 112	HB 189	Health & Families Council
HB 113	HB 113	Justice Council
SB 114	SB 114	State Infrastructure Council
HB 117	HB 315	Commerce Council
HB 119	SB 2236	Education Council
HB 119	SB 2264	Education Council
HB 121	SB 1454	State Infrastructure Council
HB 123	SB 252	State Administration Council
HB 125	SB 308	Justice Council
HB 135	HB 135	Justice Council
HB 145	SB 348	Justice Council
HB 151	HB 151	Fiscal Council
SB 152	SB 152	Justice Council
HB 153	SB 434	Commerce Council
HB 155	HB 155	State Resources Council
HB 157	HB 157	State Infrastructure Council
HB 163	SB106	State Administration Council
SB 166	SB 166	Justice Council
HB 181	HB 181	Commerce Council

HB 183	SB 656	Justice Council
HB 185	HB 185	State Administration Council
SB 186	SB 186	Health & Families Council
HB 189	HB 189	Health & Families Council
HB 193	HB 193	Justice Council
SB 200	SB 200	State Administration Council
HB 201	SB 868	State Administration Council
SB 202	SB 202	Commerce Council
HB 205	HB 205	Commerce Council
HB 207	HB 207	Justice Council
HB 209	HB 209	Education Council
HB 209	SB 1090	Education Council
HB 213	HB 213	Commerce Council
SB 214	HB 285	Justice Council
HB 215	SB 60	State Administration Council
SB 216	HB 1697	State Infrastructure Council
HB 227	HB 227	Education Council
HB 233	HB 233	Justice Council
HB 249	SB 436	Justice Council
SB 252	SB 252	State Administration Council
HB 253	SB 1012	Commerce Council
HB 255	HB 255	State Resources Council
SB 258	HB 1697	State Infrastructure Council
HB 259	SB 478	Health & Families Council
HB 263	SB 2048	Fiscal Council
SB 266	SB 266	Health & Families Council
SB 274	HB 577	Juvenile Justice
SB 276	SB 276	State Infrastructure Council
HB 279	HB 279	Education Council
HB 281	HB 281	Education Council
SB 282	HB 207	Justice Council
SB 284	HB 481	Justice Council
HB 285	HB 285	Justice Council
HB 287	SB 724	State Infrastructure Council
SB 288	SB 288	State Administration Council
HB 289	SB 878	Fiscal Council
HB 291	HB 291	Justice Council
SB 292	SB 292	State Resources Council
HB 293	SB 1312	Justice Council
HB 295	SB 822	State Administration Council
SB 300	SB 300	Fiscal Council
HB 303	CS/CS/CS/SB 1366	Commerce Council
HB 305	CS/CS/SB 620	Commerce Council
HB 307	HB 307	Health & Families Council
SB 308	SB 308	Justice Council
HB 315	HB 315	Commerce Council
SB 316	HB 411	Justice Council
HB 319	HB 319	Justice Council
HB 325	SB 2574	Health & Families Council

SB 328	SB 328	Justice Council
SB 330	HB 937	State Resources Council
HB 331	HB 331	State Resources Council
SB 332	SB 332	State Resources Council
HB 333	SB 626	Health & Families Council
SB 334	SB 334	Commerce Council
HB 335	SB 552	State Resources Council
HB 335	HB 853	State Resources Council
HB 341	SB 276	State Infrastructure Council
SB 342	HB 181	Commerce Council
HB 345	HB 345	Justice Council
HB 347	SB 572	State Resources Council
SB 348	SB 348	Justice Council
HB 349	HB 349	State Administration Council
HB 351	SB 1184	Justice Council
SB 356	SB 356	Health & Families Council
HB 359	SB 328	Justice Council
SB 360	SB 360	State Infrastructure Council
HB 361	SB 1094	Health & Families Council
SB 366	SB 366	Health & Families Council
SB 370	SB 370	Justice Council
HB 371	SB 1208	Health & Families Council
HB 375	SB 730	Justice Council
HB 385	HB 385	State Infrastructure Council
HB 387	SB 538	Justice Council
SB 388	SB 388	Fiscal Council
SB 394	SB394	Fiscal Council
HB 395	HB 395	State Resources Council
SB 400	SB 400	Fiscal Council
HB 401	HB 401	State Infrastructure Council
SB 404	SB 404	Fiscal Council
HB 407	SB 758	Health & Families Council
SB 408	SB 408	Fiscal Council
SB 410	SB 410	Fiscal Council
HB 411	HB 411	Justice Council
HB 423	HB 423	Commerce Council
SB 424	SB 424	Fiscal Council
HB 427	SB 370	Justice Council
SB 428	HB 17	Health & Families Council
SB 430	SB 410	Fiscal Council
HB 433	CS/SB 1244	Commerce Council
SB 434	SB 434	Commerce Council
SB 436	SB 436	Justice Council
SB 442	HB 567	Commerce Council
SB 442	HB 1267	Health & Families Council
SB 442	SB 442	State Infrastructure Council
SB 444	SB 360	State Infrastructure Council
SB 444	SB 444	State Resources Council
HB 449	HB 449	State Administration Council

SB 450	SB 450	Commerce Council
SB 454	HB 1697	State Infrastructure Council
SB 460	HB 1029	State Infrastructure Council
HB 463	SB 450	Commerce Council
SB 468	HB 19	Commerce Council
SB 470	SB 470	Health & Families Council
SB 472	HB 1717	State Resources Council
HB 473	HB 473	State Administration Council
SB 474	SB 474	Health & Families Council
SB 476	HB 101	Fiscal Council
SB 478	SB 478	Health & Families Council
HB 481	HB 481	Justice Council
SB 482	HB 841	Commerce Council
HB 483	HB 1159	Fiscal Council
SB 484	SB 484	Health & Families Council
SB 486	SB 486	Commerce Council
HB 487	SB 652	State Administration Council
HB 489	SB 874	Health & Families Council
SB 492	SB 276	State Infrastructure Council
SB 492	SB 492	State Infrastructure Council
SB 494	HB 77	State Resources Council
HB 497	HB 497	State Infrastructure Council
SB 498	SB 498	Health & Families Council
HB 499	HB 499	Fiscal Council
HB 501	HB 501	Commerce Council
SB 502	HB 155	State Resources Council
HB 505	CS/CS/SB 1322	Commerce Council
HB 509	HB 509	State Administration Council
SB 512	SB 512	Justice Council
SB 516	SB 516	State Resources Council
HB 517	HB 517	State Infrastructure Council
HB 521	SB 1180	Health & Families Council
HB 523	HB 523	Justice Council
HB 523	SB 988	Justice Council
HB 527	HB 385	State Infrastructure Council
HB 529	HB 529	Commerce Council
SB 530	SB 530	State Infrastructure Council
HB 531	HB 531	Justice Council
HB 537	SB 1194	Fiscal Council
SB 538	SB 538	Justice Council
HB 545	SB 334	Commerce Council
SB 550	SB 550	Fiscal Council
HB 551	HB 551	Justice Council
SB 552	SB 552	State Resources Council
HB 565	HB 565	Commerce Council
HB 567	HB 567	Commerce Council
HB 569	HB 569	Health & Families Council
HB 571	SB 276	State Infrastructure Council
SB 572	SB 572	State Resources Council

SB 574	SB 574	State Administration Council
HB 577	HB 577	Justice Council
HB 579	HB 579	Education Council
HB 581	SB 1122	Health & Families Council
HB 583	SB 1020	Justice Council
SB 590	HB 315	Commerce Council
HB 591	SB 1912	Commerce Council
HB 595	SB 1056	Commerce Council
HB 601	HB 1784	State Administration Council
HB 603	HB 1681	State Infrastructure Council
HB 617	SB 1602	Fiscal Council
CS/CS/SB 620	CS/CS/SB 620	Commerce Council
HB 621	HB 567	Commerce Council
HB 621	SB 442	State Infrastructure Council
HB 623	HB 623	State Infrastructure Council
HB 625	HB 625	State Infrastructure Council
SB 626	SB 626	Health & Families Council
HB 627	HB 627	State Administration Council
SB 632	HB 509	State Administration Council
SB 634	HB 41	Justice Council
HB 635	SB 292	State Resources Council
SB 638	HB 75	Justice Council
HB 641	SB 516	State Resources Council
HB 643	HB 643	Fiscal Council
HB 647	SB 738	Justice Council
SB 652	SB 652	State Administration Council
HB 653	SB 52	Commerce Council
HB 655	HB 655	State Resources Council
SB 656	SB 656	Justice Council
SB 658	SB 658	Education Council
HB 659	SB 1300	Commerce Council
SB 660	SB 660	Justice Council
SB 662	SB 662	Health & Families Council
SB 662	SB 662	Health & Families Council
SB 664	HB 579	Education Council
HB 667	SB 660	Justice Council
SB 670	SB 670	Education Council
SB 676	HB 185	State Administration Council
SB 680	HB 1923	State Administration Council
HB 691	HB 691	State Administration Council
SB 696	HB 643	Fiscal Council
SB 698	HB 627	State Administration Council
HB 699	HB 213	Commerce Council
HB 699	HB 699	Commerce Council
HB 717	SB 2278	State Resources Council
SB 718	HB 1681	State Infrastructure Council
HB 719	SB 1114	Commerce Council
SB 720	SB 720	Health & Families Council
SB 724	SB 724	State Infrastructure Council

SB 726	HB 1699	State Administration Council
HB 727	HB 727	State Resources Council
HB 729	HB 729	State Administration Council
SB 730	SB 730	Justice Council
HB 735	SB 2550	Health & Families Council
SB 738	SB 738	Justice Council
HB 739	SB 484	Health & Families Council
HB 747	HB 747	State Administration Council
SB 752	HB 227	Education Council
SB 758	SB 758	Health & Families Council
HB 759	HB 759	State Resources Council
HB 763	HB 763	Health & Families Council
SB 772	HB 331	State Resources Council
SB 774	HB 1141	State Resources Council
HB 775	HB 775	Justice
HB 775	HB 1283	Health & Families Council
HB 779	SB 356	Health & Families Council
SB 782	HB 193	Justice Council
SB 784	HB 281	Education Council
HB 785	SB 2228	Justice Council
SB 786	SB 786	State Resources Council
SB 792	HB 699	Commerce Council
HB 797	SB 720	Health & Families Council
SB 798	SB 798	Justice Council
HB 805	HB 805	State Resources Council
HB 807	SB 1438	State Resources Council
HB 809	SB 498	Health & Families Council
HB 811	HB 811	Commerce Council
SB 816	HB 205	Commerce Council
HB 817	HB 517	State Infrastructure Council
SB 818	SB 2070	Fiscal Council
SB 820	HB 385	State Infrastructure Council
SB 822	SB 822	State Administration Council
HB 825	SB 2498	Commerce Council
HB 825	SB 2006	State Resources Council
SB 830	HB 1025	State Administration Council
HB 833	SB 1520	State Resources Council
HB 835	HB 835	State Infrastructure Council
SB 838	SB 838	Health & Families Council
HB 841	HB 841	Commerce Council
HB 853	HB 853	State Resources Council
SB 858	HB 1717	State Resources Council
SB 868	SB 868	State Administration Council
HB 869	HB 869	Health & Families Council
HB 871	HB 871	Commerce Council
SB 874	SB 874	Health & Families Council
SB 878	SB 878	Fiscal Council
HB 883	SB 1090	Health & Families Council
HB 885	HB 885	Education Council

SB 890	HB 279	Education Council
SB 896	HB 1729	State Administration Council
HB 897	HB 897	Justice Council
SB 898	HB 255	State Resources Council
HB 903	SB 1678	Fiscal Council
SB 904	SB 904	Justice Council
HB 905	SB 1450	Health & Families Council
SB 908	SB 908	State Infrastructure Council
HB 911	SB 1722	Health & Families Council
HB 913	HB 913	Justice Council
HB 917	SB 658	Education Council
HB 925	HB 925	State Infrastructure Council
HB 931	SB 1154	Commerce Council
HB 933	HB 77	State Resources Council
HB 935	SB 670	Education Council
HB 937	HB 937	State Resources Council
SB 938	SB 938	Justice Council
SB 940	SB 940	Justice Council
HB 949	SB 1436	Justice Council
HB 951	HB 951	State Infrastructure Council
HB 955	HB 955	State Infrastructure Council
HB 963	SB 2348	Fiscal Council
SB 974	HB 1921	State Administration Council
HB 977	HB 977	State Administration Council
SB 988	HB 523	Justice Council
HB 989	HB 989	State Resources Council
HB 1001	HB 1001	Fiscal Council
SB 1002	HB 501	Commerce Council
HB 1003	SB 486	Commerce Council
SB 1010	SB 1010	State Administration Council
SB 1012	SB 1012	Commerce Council
HB 1013	SB 908	State Infrastructure Council
SB 1016	HB 113	Justice Council
HB 1019	HB 1019	Justice Council
SB 1020	SB 1020	Justice Council
SB 1024	HB 1817	State Administration Council
HB 1025	HB 1025	State Administration Council
SB 1028	HB 1861	State Administration Council
HB 1029	HB 1029	State Infrastructure Council
HB 1029	HB 1681	State Infrastructure Council
SB 1030	HB 551	Justice Council
HB 1031	HB 1031	State Infrastructure Council
SB 1032	HB 151	Fiscal Council
SB 1038	HB 385	State Infrastructure Council
SB 1040	HB 1681	State Infrastructure Council
HB 1041	HB 1041	Health & Families Council
SB 1042	HB 307	Health & Families Council
SB 1056	SB 1056	Commerce Council
SB 1058	HB 385	State Infrastructure Council

HB 1061	SB 2268	Health & Families Council
HB 1065	SB 1662	Commerce Council
HB 1069	HB 1069	State Administration Council
SB 1072	HB 349	State Administration Council
HB 1081	HB 1081	Commerce Council
SB 1082	HB 449	State Administration Council
HB 1089	HB 1089	Education Council
SB 1090	SB 1090	Health & Families Council
HB 1091	HB 1091	Education Council
SB 1094	SB 1094	Health & Families Council
SB 1096	HB 319	Justice Council
SB 1098	SB 1098	Justice Council
HB 1099	HB 1099	Education Council
HB 1101	SB 410	Fiscal Council
HB 1107	SB 2452	Health & Families Council
SB 1110	HB 1889	Fiscal Council
SB 1114	SB 1114	Commerce Council
SB 1118	SB 1118	State Infrastructure Council
SB 1122	SB 1122	Health & Families Council
SB 1124	HB 565	Commerce Council
HB 1125	SB 662	Health & Families Council
HCR 1127	HCR 1127	Rules & Calendar Council
HB 1129	HB 1129	State Infrastructure Council
HB 1131	SB 114	State Infrastructure Council
HB 1141	HB 1141	State Resources Council
SB 1144	SB 1144	State Administration Council
SB 1146	SB 1146	State Administration Council
HB 1149	SB 1432	Commerce Council
HB 1151	HB 1917	Fiscal Council
SB 1154	SB 1154	Commerce Council
HB 1159	HB 1159	Fiscal Council
SB 1168	SB 1168	State Infrastructure Council
SB 1170	HB 385	State Infrastructure Council
HJR 1177	HJR 1177	State Administration Council
SB 1180	SB 1180	Health & Families Council
HB 1181	SB 152	Justice Council
SB 1184	SB 1184	Justice Council
HB 1189	HB 1189	State Administration Council
SB 1194	SB 1194	Fiscal Council
SB 1208	SB 1208	Health & Families Council
HB 1209	SB 1868	Health & Families Council
SJR 1210	HJR 1177	State Administration Council
HB 1211	SB 1334	Rules & Calendar Council
HB 1213	SB 1336	Rules & Calendar Council
HB 1215	SB 1338	Rules & Calendar Council
SB 1216	HB 1877	Justice Council
HB 1217	SB 1340	Rules & Calendar Council
HB 1219	SB 1910	Commerce Council
HB 1231	HB 1231	State Resources Council

SB 1232	HB 835	State Infrastructure Council
CS/SB 1244	CS/SB 1244	Commerce Council
HB 1247	SB 1354	Justice Council
SB 1250	HB 1089	Education Council
SB 1252	HB 517	State Infrastructure Council
SB 1258	HB 531	Justice Council
SB 1262	HB 775	Health & Families Council
SB 1262	HB 1283	Health & Families Council
HB 1267	HB 1267	Health & Families Council
HB 1267	SB 442	Health & Families Council
SB 1268	HB 1673	State Administration Council
HB 1269	SB 1980	State Infrastructure Council
SB 1270	HB 499	Fiscal Council
SB 1272	HB 1091	Education Council
HB 1277	HB 1697	State Infrastructure Council
HB 1283	HB 1283	Health & Families Council
HB 1283	HB 775	Health & Families Council
HB 1289	HB 1289	State Resources Council
CS/CS/SB 1296	CS/CS/SB 1322	Commerce Council
HB 1297	SB 1348	Commerce Council
SB 1300	SB 1300	Commerce Council
HB 1305	HB 1305	State Infrastructure Council
SB 1308	SB 1348	Commerce Council
SB 1310	HB 205	Commerce Council
SB 1312	SB 1312	Justice Council
SB 1314	SB 1314	Health & Families Council
SB 1316	HB 955	State Infrastructure Council
SB 1318	SB 1318	State Resources Council
HB 1319	SB 1314	Health & Families Council
CS/CS/SB 1322	CS/CS/SB 1322	Commerce Council
SB 1324	HB 569	Health & Families Council
HB 1325	CS/CS/SB 1322	Commerce Council
SB 1330	SB 1330	Commerce Council
SB 1334	SB 1334	Rules & Calendar Council
SB 1336	SB 1336	Rules & Calendar Council
HB 1337	SB 662	Health & Families Council
SB 1338	SB 1338	Rules & Calendar Council
SB 1340	SB 1340	Rules & Calendar Council
SB 1344	SB 276	State Infrastructure Council
HB 1347	HB 1347	Justice Council
SB 1348	SB 1348	Commerce Council
SB 1348	SB 1348	Commerce Council
SB 1352	HB 655	State Resources Council
SB 1354	SB 1354	Justice Council
SB 1356	HB 853	State Resources Council
SJR 1362	HJR 1177	State Administration Council
CS/CS/CS/SB 1366	CS/CS/CS/SB 1366	Commerce Council
HB 1367	HB 989	State Resources Council
SB 1368	SB 1368	Justice Council

SB 1372	HB 1129	State Infrastructure Council
HB 1375	SB 474	Health & Families Council
HB 1377	HB 1377	State Administration Council
HB 1389	HB 1389	State Resources Council
HB 1395	HB 1395	State Resources Council
HB 1399	SB 186	Health & Families Council
SB 1414	HB 1715	State Administration Council
SB 1416	HB 1801	State Administration Council
HB 1417	HB 1417	Commerce Council
SB 1428	HB 71	Justice Council
SB 1432	SB 1432	Commerce Council
SB 1436	SB 1436	Justice Council
HB 1437	SB 2412	Commerce Council
SB 1438	SB 1438	State Resources Council
SB 1440	SB 1440	Justice Council
SB 1442	HB 729	State Administration Council
HB 1445	SB 2502	State Resources Council
SB 1446	SB 1446	State Administration Council
SB 1450	SB 1450	Health & Families Council
SB 1454	SB 1454	State Infrastructure Council
SB 1458	HB 1189	State Administration Council
HB 1459	HB 1459	Justice Council
SB 1460	SB 1460	State Infrastructure Council
SB 1462	HCB 6001	Fiscal Council
HB 1469	HB 1469	Commerce Council
SB 1470	HB 567	Commerce Council
SB 1472	HB 763	Health & Families Council
SB 1476	SB 1476	Health & Families Council
SB 1478	SB 1486	Commerce Council
SB 1478	HB 1939	Commerce Council
HB 1483	HB 1483	Commerce Council
SB 1486	SB 1486	Commerce Council
SB 1486	HB 1939	Commerce Council
SB 1488	SB 1486	Commerce Council
HB 1491	SB 1922	State Administration Council
SB 1492	HB 291	Justice Council
SB 1494	SB 1494	State Infrastructure Council
SB 1502	SB 1502	State Infrastructure Council
HB 1503	HB 811	Commerce Council
SB 1508	HB 105	Commerce Council
SB 1516	HB 1559	Health & Families Council
SB 1520	SB 1520	State Resources Council
HB 1525	HB 1525	Health & Families Council
SB 1526	HB 233	Justice Council
HB 1527	HB 1527	Commerce Council
HB 1545	SB 2498	Commerce Council
HB 1545	SB 2006	State Resources Council
HB 1559	HB 1559	Health & Families Council
HB 1567	HB 1567	State Administration Council

SB 1576	HB 1681	State Infrastructure Council
HB 1587	SB 1168	State Infrastructure Council
HB 1589	HB 1589	State Administration Council
HB 1591	HB 1591	State Administration Council
SB 1592	HB 1069	State Administration Council
SB 1602	SB 1602	Fiscal Council
SB 1606	HB 385	State Infrastructure Council
SB 1608	HB 213	Commerce Council
SB 1610	HB 395	State Resources Council
SB 1612	HB 473	State Administration Council
SB 1620	HB 805	State Resources Council
HB 1623	HB 1855	State Resources Council
SB 1624	HB 1159	Fiscal Council
HB 1633	SB 662	Health & Families Council
HB 1633	SB 662	Health & Families Council
HB 1645	SB 1650	Commerce Council
HB 1649	CS/CS/SB 1322	Commerce Council
SB 1650	SB 1650	Commerce Council
HB 1651	HB 1651	Health & Families Council
HB 1659	HB 1659	Justice Council
SB 1660	HB 811	Commerce Council
SB 1660	SB 662	Health & Families Council
SB 1662	SB 1662	Commerce Council
SB 1662	SB 662	Health & Families Council
HB 1665	SB 1368	Justice Council
HB 1667	SB 512	Justice Council
SB 1670	HB 1855	State Resources Council
HB 1673	HB 1673	State Administration Council
SB 1678	SB 1678	Fiscal Council
HB 1681	HB 1029	State Infrastructure Council
HB 1681	HB 1681	State Infrastructure Council
SB 1688	HB 897	Justice Council
HB 1691	SB 288	State Administration Council
HB 1693	HB 1693	Commerce Council
HB 1695	HB 1695	Education Council
HB 1697	SB 276	State Infrastructure Council
HB 1697	HB 1697	State Infrastructure Council
HB 1699	HB 1699	State Administration Council
SB 1700	HB 385	State Infrastructure Council
SB 1704	HB 1099	Education Council
HB 1713	SB 1440	Justice Council
SB 1714	CS/CS/SB 1322	Commerce Council
HB 1715	HB 1715	State Administration Council
SB 1716	HB 885	Education Council
HB 1717	HB 1717	State Resources Council
SB 1722	SB 1722	Health & Families Council
HJR 1723	HJR 1723	Justice Council
HB 1725	HB 1725	Commerce Council
HB 1729	HB 1729	State Administration Council

SB 1730	HB 759	State Resources Council
HB 1731	SB 1144	State Administration Council
HB 1733	SB 1330	Commerce Council
HB 1735	SB 1318	State Resources Council
HB 1739	SB 940	Justice Council
HB 1745	SB 1486	Commerce Council
SB 1746	HB 345	Justice Council
HB 1747	SB 1010	State Administration Council
SB 1766	HB 209	Education Council
SB 1774	HB 913	Justice Council
SB 1780	HB 1231	State Resources Council
SB 1784	SB 1784	State Administration Council
SB 1790	HB 135	Justice Council
SB 1796	SB 1796	Fiscal Council
HB 1797	SB 938	Justice Council
SB 1798	SB 1798	Fiscal Council
HB 1801	HB 1801	State Administration Council
HB 1805	SB 1796	Fiscal Council
HB 1807	SB 300	Fiscal Council
SB 1808	HB 977	State Administration Council
HB 1809	SB 1798	Fiscal Council
HB 1813	HB 1813	Fiscal Council
HB 1815	SB 1446	State Administration Council
HB 1817	HB 1817	State Administration Council
SB 1820	HB 1697	State Infrastructure Council
HJR 1821	SJR 2144	Fiscal Council
HB 1823	SB 2146	Fiscal Council
HB 1825	SB 2610	Fiscal Council
HB 1827	SB 1476	Health & Families Council
SB 1830	HB 315	Commerce Council
HB 1835	SB 1146	State Administration Council
HB 1839	HB 1855	State Resources Council
SB 1840	SB 1168	State Infrastructure Council
HB 1855	HB 1855	State Resources Council
HB 1859	HB 1305	State Infrastructure Council
HB 1859	HB 1717	State Resources Council
HB 1861	HB 1861	State Administration Council
SB 1862	HB 1041	Health & Families Council
HB 1863	HB 1917	Fiscal Council
HB 1865	SB 360	State Infrastructure Council
SB 1866	HB 989	State Resources Council
SB 1868	SB 1868	Health & Families Council
HB 1877	HB 1877	Justice Council
HB 1881	SB 444	State Resources Council
SB 1884	HB 775	Health & Families Council
SB 1884	HB 1283	Health & Families Council
HB 1889	HB 1889	Fiscal Council
HB 1891	SB 388	Fiscal Council
HB 1893	SB 404	Fiscal Council

HB 1895	SB 408	Fiscal Council
HB 1897	SB 410	Fiscal Council
HB 1907	HB 1907	Fiscal Council
SB 1908	HB 1659	Justice Council
HB 1909	SB 394	Fiscal Council
SB 1910	SB 1910	Commerce Council
HB 1911	SB 400	Fiscal Council
SB 1912	SB 1912	Commerce Council
HB 1913	SB 424	Fiscal Council
SB 1914	HB 1917	Fiscal Council
HB 1917	HB 1917	Fiscal Council
SB 1918	HB 385	State Infrastructure Council
HB 1921	HB 1921	State Administration Council
SB 1922	SB 1922	State Administration Council
HB 1923	HB 1923	State Administration Council
SB 1926	HB 869	Health & Families Council
HB 1927	SB 1494	State Infrastructure Council
HB 1929	SB 1098	Justice Council
HB 1935	HB 1935	Justice Council
HB 1937	SB 1486	Commerce Council
HB 1937	HB 1939	Commerce Council
HB 1939	SB 1486	Commerce Council
HB 1939	HB 1939	Commerce Council
SB 1944	HB 1377	State Administration Council
SB 1956	HB 1673	State Administration Council
SB 1978	HB 1917	Fiscal Council
SB 1980	SB 1980	State Infrastructure Council
SB 1988	HB 1289	State Resources Council
SB 2000	HB 1715	State Administration Council
SB 2006	SB 2498	Commerce Council
SB 2006	SB 2006	State Resources Council
SB 2008	HB 1377	State Administration Council
SB 2032	HB 1813	Fiscal Council
SB 2036	HB 1459	Justice Council
SB 2048	SB 2048	Fiscal Council
SB 2050	HB 1417	Commerce Council
CS/CS/CS/SB 2068	CS/CS/SB 1322	Commerce Council
SB 2070	SB 2070	Fiscal Council
CS/CS/SB 2072	CS/CS/SB 1322	Commerce Council
SB 2086	HB 1567	State Administration Council
SB 2118	HB 423	Commerce Council
SJR 2144	SJR 2144	Fiscal Council
SB 2146	SB 2146	Fiscal Council
SB 2152	HB 1305	State Infrastructure Council
SB 2176	HB 1567	State Administration Council
SB 2176	HB 1589	State Administration Council
SB 2178	HB 1591	State Administration Council
SB 2210	SB 410	Fiscal Council
SB 2214	HB 1081	Commerce Council

SB 2220	HB 1695	Education Council
SB 2228	SB 2228	Justice Council
CS/CS/SB 2232	CS/CS/SB 1322	Commerce Council
SB 2236	SB 2236	Education Council
SB 2264	SB 2264	Education Council
SB 2268	SB 2268	Health & Families Council
SB 2278	SB 2278	State Resources Council
SB 2284	HB 951	State Infrastructure Council
SB 2288	HB 989	State Resources Council
SB 2348	SB 2348	Fiscal Council
SB 2352	HB 1347	Justice Council
SB 2364	HB 1525	Health & Families Council
SB 2380	HB 1917	Fiscal Council
SB 2412	SB 2412	Commerce Council
SB 2426	HB 1395	State Resources Council
SB 2452	SB 2452	Health & Families Council
SB 2460	HB 1389	State Resources Council
SB 2462	HB 727	State Resources Council
SB 2498	SB 2498	Commerce Council
SB 2498	SB 2006	State Resources Council
SB 2502	SB 2502	State Resources Council
SB 2510	HB 1855	State Resources Council
SB 2542	HB 1935	Justice Council
SB 2546	HB 1917	Fiscal Council
SB 2546	HB 1305	State Infrastructure Council
SB 2546	HB 1717	State Resources Council
SB 2550	SB 2550	Health & Families Council
SB 2562	HB 1019	Justice Council
SB 2572	HB 1267	Health & Families Council
SB 2574	SB 2574	Health & Families Council
SB 2610	SB 2610	Fiscal Council
SB 2614	HB 517	State Infrastructure Council
SB 2640	HB 1651	Health & Families Council
HCB 6001	HCB 6001	Fiscal Council
HCB 6003	SB 838	Health & Families Council
HCB 6005	HB 579	Education Council
HCB 6005	SB 2236	Education Council
